

AGENDA - COUNCIL MEETING - TUESDAY - MAY 12, 2009 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Johnson

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - MAY 13, 2009 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

MAYOR'S REPORT - Fiscal Year 2010 Budget

CONSENT AGENDA NUMBERS 1 through 43

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment of the following individuals to the **BOARD OF DIRECTORS OF THE FOURTH WARD REDEVELOPMENT AUTHORITY:**
Position One - **MR. DALLAS S. JONES** (Designee for State Senate District #13)
Position Two - **MS. CARVANA HICKS CLOUD** (Designee for State Representative District #147)
2. RECOMMENDATION from Director Finance Department to approve the Fiscal Year 2010-2014 Capital Improvement Plan and establish a charge of \$75.00 plus postage for the adopted CIP documents (\$5.00 plus postage for CD version)

ACCEPT WORK - NUMBERS 3 through 6

3. ORDINANCE approving and authorizing Compromise and Settlement Agreement between the City of Houston and **HEYL CONSTRUCTION, LTD.** to settle a lawsuit; authorizing payment to **AACON, INC** as Disbursing Agent for the bankruptcy estate of Heyl Construction, Ltd.
DISTRICTS A - LAWRENCE and B - JOHNSON
- a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,515,996.57 and acceptance of work on contract with **HEYL CONSTRUCTION LTD.** for 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane - 4.77% over the original contract amount - **DISTRICTS A - LAWRENCE and B - JOHNSON**
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$586,351.60 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Safe Sidewalk Program E3 - 12.35% under the original contract amount - **DISTRICTS F - KHAN and G - HOLM**
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,827,662.30 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Water Line Replacement in Willow Run North Area - 3.72% under the original contract amount - **DISTRICT B - JOHNSON**
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$871,131.40 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC** for Water Line Replacement in Wrenwood Subdivision 4.33% under the original contract amount - **DISTRICT A - LAWRENCE**

PROPERTY - NUMBER 7

7. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. FVL, Ltd., a Texas Limited partnership, et al., Cause No. 922,728; for acquisition of Parcels AY7-423 and AY7-429; for the **MERCURY DRIVE PAVING PROJECT** - **DISTRICT I - RODRIGUEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 12

8. ORDINANCE appropriating \$1,221,409.00 out of Reimbursement of Equipment/Projects Fund for Design, Structural Stabilization, Exterior Renovations, Purchase and Installation of Mechanical, Electrical and Plumbing Equipment for Fire Station 20 for the Houston Fire Department
- a. RECOMMENDATION from Director General Services Department to issue purchase order to **NATEX** for Repair/Renovation of Fire Station 20 in the amount of \$110,000.00 and to allocate an additional \$1,111,409.00 for work to be accomplished through In-House Renovation Group, competitive bids, job order contracts, and other existing citywide contracts for Fire Station 20 Reimbursement of Equipment/Projects Fund - **DISTRICT I - RODRIGUEZ**
9. **AMEND MOTION #2008-344, 5/28/08, TO INCREASE** spending authority from \$189,421.00 to \$265,189.40 for Medical, Diagnostic and Virological Test Kits for Houston Department of Health and Human Services, awarded to **GEN-PROBE SALES & SERVICE** - \$75,768.40 - General Fund

PURCHASING AND TABULATION OF BIDS - continued

10. ORDINANCE appropriating \$442,970.00 out of Equipment Acquisition Consolidated Fund for Purchase of Learning Management System Software and Installation Services for the Human Resources Department
 - a. **PC MALL GOV. INC** for Learning Management System Software and Installation Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Human Resources Department - \$736,400.00 - Enterprise and Equipment Acquisition Consolidated Funds
11. **TECHNICAL COMMUNITIES, INC (d.b.a. TESTMART)** for Vidshield Video Software, Licenses, Maintenance, Training and Installation Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Mayor's Office of Public Safety and Homeland Security - \$91,242.50 - Grant Fund
12. **AMEND MOTION #2006-688, 8/2/06, TO INCREASE** spending authority from \$1,053,361.70 to \$1,474,706.38 for Paper Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Departments, awarded to **UNISOURCE WORLDWIDE, INC** - \$421,344.68 - General and Enterprise Funds
13. **TOMMIE VAUGHN MOTORS, INC** for Automotive, Ford Car/Light Truck Replacement Parts and Repair Services for Various Departments - \$5,051,059.00 - General and Fleet Management Funds

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 43

14. RESOLUTION approving and authorizing the nomination of **THE GROCERS SUPPLY CO., INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Double Jumbo Enterprise Project - **DISTRICT D - ADAMS**
15. RESOLUTION approving and authorizing the nomination of **VALERO REFINING - TEXAS, L.P.** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as a Double Jumbo Enterprise Project - **DISTRICT I - RODRIGUEZ**
16. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City budgets for the time period July 1, 2009 through June 30, 2010; authorizing notice of such public hearing - **HEARING DATE - 1:30 P.M. - TUESDAY - JUNE 9, 2009**
17. ORDINANCE **AMENDING ARTICLE III OF CHAPTER 5 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the administration of Dance Hall Permits; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; containing a savings clause; providing for severability
18. ORDINANCE **AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Antique Dealers, Secondhand Dealers and related businesses; containing findings and other provisions relating to the foregoing subject; providing for severability; declaring certain conduct to be unlawful and providing penalties therefor
19. ORDINANCE **AMENDING ARTICLE III OF CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the regulation of Suburban Buses; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability
20. ORDINANCE amending portions of the Construction Code of the City of Houston, Texas, relating to Irrigation Systems; containing findings and other provisions relating to the foregoing subject; providing for severability

RESOLUTIONS AND ORDINANCES - continued

21. ORDINANCE authorizing the issuance of one or more Series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2009 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2009, and ending June 30, 2010; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement; authorizing the City Controller to serve as Issuer-Registrar; authorizing a Co-Bond Counsel Agreement; and making other findings and provisions relating to such notes and matters incident thereto; and declaring an emergency
22. ORDINANCE approving a Supplemental Borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2009A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2009, and ending June 30, 2010; providing for the payment of the principal of and interest on such Notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; approving Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency
23. ORDINANCE appropriating the transfer of an amount not to exceed \$25,000,000 from the Houston Airport System Airports Improvement Fund for certain Houston Airport System Capital Expenditures; declaring the Houston Airport System's intent to reimburse the Airports Improvement Fund with bond proceeds; making various findings and provisions related thereto; and declaring an emergency
24. ORDINANCE approving and authorizing contract between the City of Houston and **ALLIANCE FOR MULTICULTURAL COMMUNITY SERVICES**, providing up to \$181,900.00 in Housing Opportunities for Persons With AIDS ("HOPWA") Funds for the administration of a Short-term Rent Mortgage and Utility Assistance Program - **DISTRICT F - KHAN**
25. ORDINANCE amending Ordinance Number 2003-0529, as amended, which approved and authorized Professional Audit Services Agreement between the City of Houston and **DELOITTE & TOUCHE LLP**, to increase the maximum contract amount - \$220,000.00 - General Fund
26. ORDINANCE approving and authorizing contract between the City and **DELOITTE & TOUCHE LLP** for Professional Auditing Services for the Finance Department; providing a maximum contract amount - 3 Years with 2 one-year options - \$8,695,000.00 - General Fund
27. ORDINANCE amending Ordinance No. 2007-660 to increase the maximum contract amount; approving and authorizing second amendment to contract between the City of Houston and **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for Houston Police Department - 1 Year \$250,000.00 - General Fund
28. ORDINANCE amending Ordinance No. 2008-522 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **CHARLES N. MOORE** for Controlled Substance Consulting Services for the Houston Police Department \$150,000.00 - General Fund
29. ORDINANCE approving and authorizing agreement between the City of Houston and **REALTECH, INC** for SAP System Monitoring and Consulting Services for the Information Technology Department; providing a maximum contract amount - 3 Years with 2 one-year options \$2,510,000.00 - General Fund

RESOLUTIONS AND ORDINANCES - continued

30. ORDINANCE appropriating \$191,000.00 out of Solid Waste Consolidated Construction Fund; \$100,000.00 out of General Improvement Consolidated Construction Fund; amending Ordinance No. 2008-0374 (Passed April 30, 2008) to increase the maximum contract amount under Architectural Services Task Order Contract between the City of Houston and **BRAVE/ARCHITECTURE INC** for Various City Departments; providing a maximum contract amount
31. ORDINANCE appropriating \$447,000.00 out of Fire Consolidated Construction Fund for Purchase of Radio Console Equipment from existing Contract No. 4600009232 awarded to **MOTOROLA, INC** for Information Technology Department
32. ORDINANCE approving and authorizing Maintenance Agreement between the City of Houston and the **NEAR NORTHWEST MANAGEMENT DISTRICT** for right-of-way improvements **DISTRICTS A - LAWRENCE and B - JOHNSON**
33. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Jensen Drive Pump Station #1 Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings of Fee Simple Title to three (3) parcels of land situated in the S. M. Harris Survey, Abstract No. 327, in Harris County, Texas, such property being more specifically situated out of Lots 1 thru 5 of Block 7 Fifth Ward Place Subdivision as recorded in Volume 61, Page 319 of the Map Records Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT B - JOHNSON**
34. ORDINANCE appropriating \$500,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HNTB CORPORATION** for Generic Citywide Asphalt Overlay Project
35. ORDINANCE appropriating \$320,000.00 out of Water & Sewer System Consolidated Construction Fund, \$45,000.00 out of Drainage Improvement Commercial Paper Series F Fund, and \$45,000.00 out of Street & Bridge Consolidated Construction Fund; approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **MDA ENGINEERS, INC** for Waterline Grid Extensions along Bellfort, Richmond, Reed, West Tidwell, Griggs & Brock, and provide Project Coordination Services as City of Houston Light Rail Coordinator; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund, the Drainage Improvement Commercial Paper Series F Fund, and the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - ADAMS; G - HOLM; DISTRICT H and I - RODRIGUEZ**
36. ORDINANCE approving and authorizing amendment to Professional Engineering Services Contract between the City of Houston and **OMEGA ENGINEERS, INC** for Negotiated Work Orders for Study of Storm Drainage Systems (Approved by Ordinance No. 2005-391)
37. ORDINANCE appropriating \$121,524.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to the Professional Engineering Services Contract between the City of Houston and **JAYMARK ENGINEERING CORPORATION** for Hayes Street Reconstruction from Westheimer to Briar Forest (Approved by Ordinance No. 2003-0584) **DISTRICT G - HOLM**

RESOLUTIONS AND ORDINANCES - continued

38. ORDINANCE appropriating \$835,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing third amendment to Professional Engineering Services Contract between the City of Houston and **HDR ENGINEERING, INC (Previously CLAUNCH & MILLER, INC)** (Approved by Ordinance No. 2005-392) for Neighborhood Street Reconstruction (NSR) Project 446A, and Neighborhood Street Reconstruction (NSR) Project 457 - **DISTRICT C - CLUTTERBUCK**
39. ORDINANCE appropriating \$219,101.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AECOM USA GROUP, INC (f/k/a TCB, INC)** for Design of Greens Road from Aldine Westfield to John F. Kennedy Boulevard; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT B - JOHNSON**
40. ORDINANCE appropriating \$3,597,810.00 out of Drainage Improvement Commercial Paper Series F Fund, \$3,163,290.00 out of Street & Bridge Consolidated Construction Fund, \$1,277,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **PACE SERVICES, L.P.** for Edloe Storm Drainage Improvements Project Segment 2; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund, the Street & Bridge Consolidated Construction Fund, and the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK**
41. ORDINANCE appropriating \$10,861,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Sims Bayou North WWTP Improvements; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**
42. ORDINANCE No. 2009-381, passed first reading May 6, 2009
ORDINANCE granting to **ARC ABATEMENT, INC., A TEXAS CORPORATION**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING**
43. ORDINANCE No. 2009-382, passed first reading May 6, 2009
ORDINANCE granting to **SWEEPING SERVICES OF TEXAS - OPERATING, L.P., A TEXAS LIMITED PARTNERSHIP**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MATTERS HELD - NUMBERS 44 through 50

44. RESOLUTION approving and authorizing the nomination of **ANHEUSER-BUSCH, INC** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an Enterprise Project - **DISTRICT B - JOHNSON**
TAGGED BY COUNCIL MEMBER JOHNSON
This was Item 12 on Agenda of May 6, 2009
45. ORDINANCE approving and authorizing the City of Houston to submit the 2009 Consolidated Action Plan to the **UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**, including the following 2009-2010 grant applications: (1) 35th Program Year Community Development Block Grant in the amount of \$33,717,217 (\$29,798,698 Entitlement Grant and \$3,918,519 Program Income); (2) Home Investment Partnerships Grant in the amount of \$13,130,151 (\$12,722,540 Grant, \$300,000 Program Income, and \$107,611 from the American Dream Down Payment Initiative ["ADDI"]); (3) Housing Opportunities for Persons With AIDS Grant in the amount of \$6,038,000; and (4) Emergency Shelter Grants in the amount of \$1,326,597; and to accept the aforementioned grant funds, if awarded
TAGGED BY COUNCIL MEMBERS JONES, NORIEGA, ADAMS and CLUTTERBUCK
This was Item 18 on Agenda of May 6, 2009
46. ORDINANCE amending the Grant Agreement between the City of Houston and **W. LEO DANIELS TOWERS, INC** to change the amounts of the sources of funding to \$670,969 in Community Development Block Grant Funds and \$215,031 in Home Investment Partnerships Funds, revise the scope of work, and extend the period of time to commence the work in connection with the rehabilitation of a 100 unit apartment building for the elderly and disabled known as the W. Leo Daniel Towers - **DISTRICT H** - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 20 on Agenda of May 6, 2009
47. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **WHALEY ENERGY CONSULTING LLC** for Professional Consulting Services - \$365,000.00 Central Service Revolving Fund
TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, ADAMS and GREEN
This was Item 25 on Agenda of May 6, 2009
48. WRITTEN Motion by Council Member Holm to amend Item 48A below to exclude the Limited Use Roadway and Mobility Capital Fund (Fund 4034) from transfer into the General Fund, so that those funds can be appropriated for other capital projects.
TAGGED BY COUNCIL MEMBER CLUTTERBUCK
- a. ORDINANCE related to accounting for available funds of the City; amending and repealing various ordinances related to inactive Special Revenue Funds to release residual funds and streamline accounting for City Funds; appropriating \$7,552,000.00 from the Limited Use Roadway and Mobility Capital Fund (Fund 4034) and authorizing its transfer to the General Fund Fund Balance; making provisions related to the subject; providing a repealer; providing for severability
TAGGED BY COUNCIL MEMBERS ADAMS and CLUTTERBUCK
This was Item 29 on Agenda of May 6, 2009
49. ORDINANCE approving and authorizing Lease Agreement between **AMERICAN NATIONAL INSURANCE COMPANY, as Landlord**, and the City of Houston, Texas, as Tenant, for 14,859 square feet of office space at 811 Dallas Street, Houston, Texas, at a monthly rental of \$33,432.75 for the first eighteen (18) months and a monthly rental of \$34,671.00 for the following eighteen (18) months, with a resulting aggregate rent for thirty-six (36) months of \$1,225,867.56, and \$158,213.04 estimated operating and parking expenses, for a sum of \$1,384,080.60, for use by the Records Management System Project Team of the Houston Police Department
DISTRICT I - RODRIGUEZ - **TAGGED BY COUNCIL MEMBER GREEN**
This was Item 32A on Agenda of May 6, 2009

MATTERS HELD - continued

50. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to appeals before the City Council - **TAGGED BY COUNCIL MEMBER JONES**
This was Item 40 on Agenda of May 6, 2009

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Noriega first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING



BILL WHITE
MAYOR

OFFICE OF THE MAYOR
CITY OF HOUSTON
TEXAS

MAY 13 2009

COPY TO EACH MEMBER OF COUNCIL:
CITY SECRETARY: H 29-09
date

COUNCIL MEMBER: _____

April 29, 2009

The Honorable City Council
Houston, Texas

Dear Council Members:

Pursuant to City of Houston Resolution 99-69, Subchapter D of Chapter 431 of the Texas Transportation Code, and Chapter 394 of the Texas Local Government Code, I am nominating the following individuals for appointment to the Board of Directors of the Fourth Ward Redevelopment Authority, subject to Council confirmation:

Mr. Dallas S. Jones (designee for State Senate District #13) appointment to Position One; and

Ms. Carvana Hicks Cloud (designee for State Representative District #147) appointment to Position Two.

The résumés are attached for your review.

Sincerely,

Bill White
Mayor

BW:CC:jsk

cc: Senator Rodney Ellis, District 13, State of Texas
Representative Garnet Coleman, District 147, State of Texas



SUBJECT: Approval of the Fiscal Year 2010-2014 Capital Improvement Plan (FY2010-2014 CIP)		Page 1 of 1	Agenda Item <i>2</i>
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FROM (Department or other point of origin): Finance Department	Origination Date 5-8-09	Agenda Date MAY 13 2009
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DIRECTOR'S SIGNATURE: Michelle Mitchell <i>Michelle Mitchell</i>	Council District(s) affected: All
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For additional information contact: James A. Tillman IV Phone: 713-837-9615	Date and identification of prior authorizing Council action:
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RECOMMENDATION: That City Council approves by Motion the Fiscal 2010-2014 Capital Improvement Plan (FY2010-2014 CIP) and establishes a charge of \$75.00 plus postage for the purchase of the adopted CIP documents. CD version of the CIP will be available for \$5.00 plus postage.

Amount and Source of Funding: N/A	Finance Budget:
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SPECIFIC EXPLANATION: The FY2010-2014 Capital Improvement Plan supports improved delivery of services and improved quality of living for Houstonians, with increased emphasis on drainage, transportation infrastructure, mobility, quality of life, affordable housing and economic development. This plan emphasizes the replacement and rehabilitation of existing facilities and the selective addition and expansion of facilities.

The FY2010-2014 CIP is presented in two volumes and an executive summary. Volume one contains projects that are predominately vertical construction supported by the General Services Department for its clients (C&E, Fire, Health, Library, Parks, Police and Solid Waste). Volume two identifies projects supported by Public Works and Engineering and the Houston Airport System. This format is identical to last year's format providing greater ease in locating projects by construction type and not funding.

The FY2010-2014 CIP calls for appropriation of \$3.57 billion during the five-year period. Planned appropriations for the Public Improvement Programs total \$955 million and \$1.88 billion for the Enterprise Programs. These numbers are significantly less than the previous CIP due to an adjustment in economic forecasts.

The Finance Department recommends that City Council approve the FY2010-2014 CIP and establish a charge of \$75.00 plus postage per set (Volume One, Volume Two) to cover printing costs. The adopted CIP will be available for public viewing at the main offices of most city departments and will be on the Internet, accessible through the City's home page located at <http://www.houstontx.gov/cip/index.html>. The FY2010-2014 CIP can be purchased at the City Secretary's office. A CD version of the CIP will be available for \$5.00 plus postage.

MM:JT

c: Marty Stein, Mayor's Office, Arturo Michel, City Attorney, James Tillman

REQUIRED AUTHORIZATION

Other Authorization:	Other Authorization:	Other Authorization:

SUBJECT: (RCA) SUBJECT: Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane. WBS No. S-000900-0059-4.

Page 1 of 2

Agenda Item #

3-3A

FROM (Department or other point of origin):

Origination Date

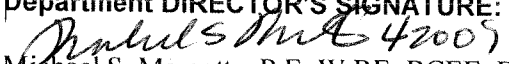
Agenda Date

4-30-09

MAY 13 2009

Department of Public Works & Engineering

Department DIRECTOR'S SIGNATURE:


Michael S. Marcotte, P.E. W.RE, BCEE, Director

Council Districts affected:

A & B

For additional information contact:

J. Timothy Lincoln, P.E.

Erica Schwam, LGL

Sr. Assistant Director

Assistant City Attorney

Phone: (713) 837-7074

Phone: (832) 393-6461

Date and Identification of prior authorizing Council Action:

Ord. No. 2001-499 Dated: 5/30/2001

RECOMMENDATION: (Summary) Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane.

Amount and Source of Funding: No additional appropriation required.

Original appropriation of \$3,892,200.00 from Water and Sewer System Consolidated Construction Fund No. 755.

FOR SETTLEMENT PURPOSES ONLY

SPECIFIC EXPLANATION: Pursuant to Houston Ordinance No. 2001-0499, Houston entered into Contract No. 52773, on or about June 14, 2001, with Heyl Construction Ltd. ("Heyl") for construction services for the 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane (the "Contract").

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Surface Water Transmission Program. This program is required to meet Harris-Galveston Coastal Subsidence District's legislative mandate to regulate the withdrawal of ground water.

DESCRIPTION/SCOPE: The project consisted of construction of 6,924 linear feet of 60-inch water line, valves and appurtenances along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane. Dannenbaum Engineering Corp. designed the project with 240 calendar days allowed for construction. The project was awarded to Heyl Construction, Ltd. with an original Contract Amount of \$3,355,959.00. The final Contract Amount of \$3,515,996.57 is 4.77% over the original Contract Amount.

LOCATION: The project area is along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane. The project is located in Key Map Grids 411-V and 412-S.

CONTRACT COMPLETION AND COST: The Contractor, Heyl Construction Ltd. has completed the Work under subject Contract. The project was completed within the Contract Time with additional 239 days approved by Changer Order Nos. 1 through 5.

M/WBE PARTICIPATION: The M/WBE goal for this project was 17%. According to Affirmative Action and Contract Compliance Division, the actual participation was 10.51%. Heyl Construction Ltd. achieved an "Unsatisfactory" rating for M/WBE compliance.

REQUIRED AUTHORIZATION

CUIC ID# 20MZQ101

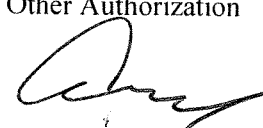
Finance Department

Other Authorization

Other Authorization



Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



Arturo G. Michel, City Attorney
Legal

EC



Date	Approve an Ordinance authorizing a Compromise and Settlement Agreement between the City of Houston and Heyl Construction, Ltd. to settle a lawsuit; Payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd.; and pass a Motion to Accept Work for 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane. WBS No. S-000900-0059-4.	Originator's Initials	Page <u>2</u> of 2
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FOR SETTLEMENT PURPOSES ONLY

On or about June 24, 2004, Heyl filed a lawsuit against Houston relating to the Contract in Cause No. 2004-33335, styled Heyl Construction Ltd. v. the City of Houston in the 215th Judicial District Court of Harris County, Texas. (the "Lawsuit"). Heyl claims it is entitled to \$263,133.00 for additional costs and damages it incurred to complete the contract.

On or about December 2, 2004, Heyl filed a voluntary petition for relief under Chapter 7 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Western District of Texas. Marsha Milligan is the duly appointed and acting Trustee for Heyl's bankruptcy estate.

Marsha Milligan, as Bankruptcy Trustee for Heyl's bankruptcy estate, has offered to settle this claim for the total sum of \$76,671.66.

The Bankruptcy Court has ordered that payments being made to Heyl to settle this claim be made to Aacon, Inc., Disbursing Agent for Heyl Construction, Ltd.

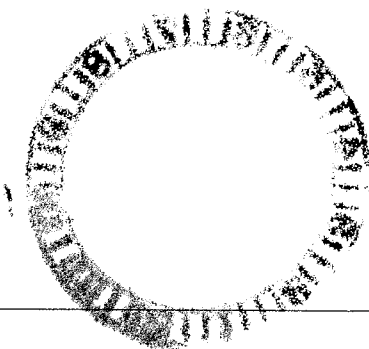
After a thorough review, the Public Works & Engineering Department and the Legal Department recommend that Council accept this settlement offer and approve an Ordinance authorizing the execution of a Compromise and Settlement Agreement to settle this Lawsuit with payment to Aacon, Inc. as Disbursing Agent for the Bankruptcy Estate of Heyl Construction, Ltd., and pass a Motion to Accept Work for 60-inch Water Main along Dolly Wright, Dubois and Victory Drive from Acres Homes Pump Station to Ashmole Lane. WBS No. S-000900-0059-4.

The Legal Department has prepared the settlement documents.

  
MSM:DRM:JTL:CWS:PK:mq

\\E&C Construction\North Sector\PROJECT FOLDER\S-000900-0059-4\23.0 Closeouts\RCA\RCA Heyl DollyWright 1.DOC

: File No. S-000900-0059-4 – Closeout 21.0



TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Safe Sidewalk Program E3, WBS No. N-00610A-00E3-4.**Page**
1 of 1**Agenda Item #** **4****FROM (Department or other point of origin):**

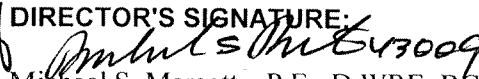


Department of Public Works and Engineering

Origination Date

5-8-09

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:
Michael S. Marcotte, P.E., D.WRE, BCEE., Director**Council Districts affected:**F, G **For additional information contact:**
J. Timothy Lincoln, P.E.
Senior Assistant Director**Phone:** (713) 837-7074**Date and Identification of prior authorizing Council Action:**Ord. #2007-1165 dated 10/17/07 **RECOMMENDATION:** (Summary) Pass a motion to approve the final Contract Amount of \$586,351.60 or 12.35% under the original Contract Amount, accept the Work, and authorize final payment.**Amount and Source of Funding:** No additional funding required.
(Total (original) appropriation of \$839,437.92 from Street and Bridge Consolidated Construction Fund No. 4506.**Finance Department:****SPECIFIC EXPLANATION:****PROJECT NOTICE/JUSTIFICATION:** This project was part of the Safe Sidewalk Programs and was required to address the health, safety, and welfare of pedestrians.**DESCRIPTION/SCOPE:** The Project consisted of removal of existing damaged or non-compliant sidewalks and accessible ramps and construction of new 4-1/2-inch concrete sidewalks and accessible ramps.

An Interlocal Agreement was prepared and executed with Energy Corridor Management District to reimburse the City for the additional width of sidewalk provided at their request and provided for maintenance. Quadrant Consultants, Inc. designed the project with 180 calendar days allowed for construction. This project was awarded to Caan Construction Services with an original Contract Amount of \$668,956.95


LOCATION: The work sites were located within the City of Houston limits. The project was located in various Key Map Grids.**CONTRACT COMPLETION AND COST:** Caan Construction Services, Inc., has completed the work under the subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities and previously approved Change Order No. 1 is \$586,351.60. This is a decrease of \$82,605.35 or 12.35% under the original Contract Amount.

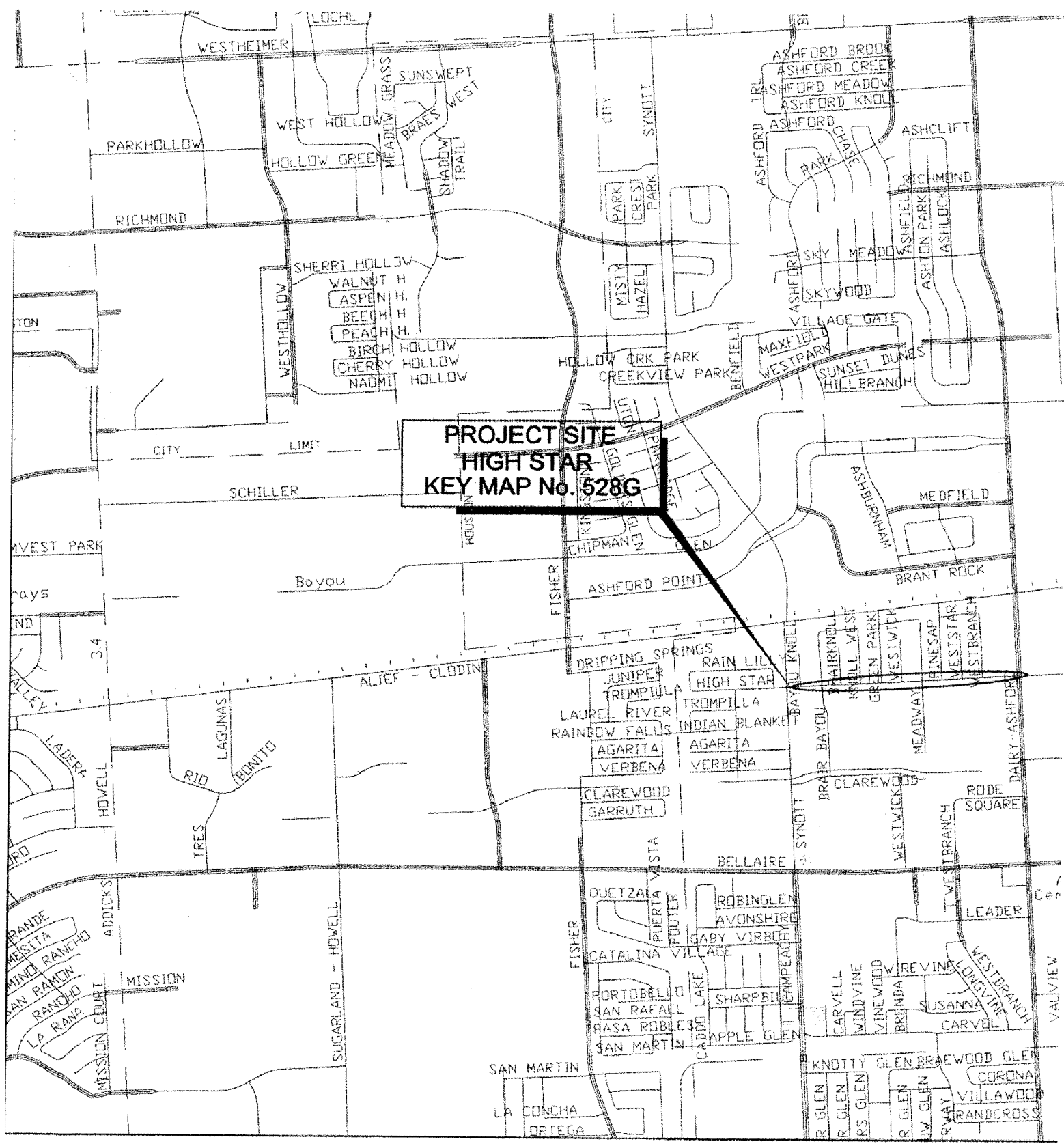
The decreased cost is a result of the difference between planned and measures quantities. This decrease is primarily due to underrun in Bid Item No. 20 – Relocate Fire Hydrant, Bid Item No. 22 – 6-inch Concrete Driveway, Bid Item No. 24 – Brick Paved Sidewalk, Bid Item No. 25 – Wheel Chair Ramp, Bid Item No. 28 – Sodding, and Extra Unit Bid Items, which were not necessary to complete the work.

M/WBE PARTICIPATION: There was no M/WBE goal established for this project.
MSM:DRM:JTL:JAK:JEC:ha

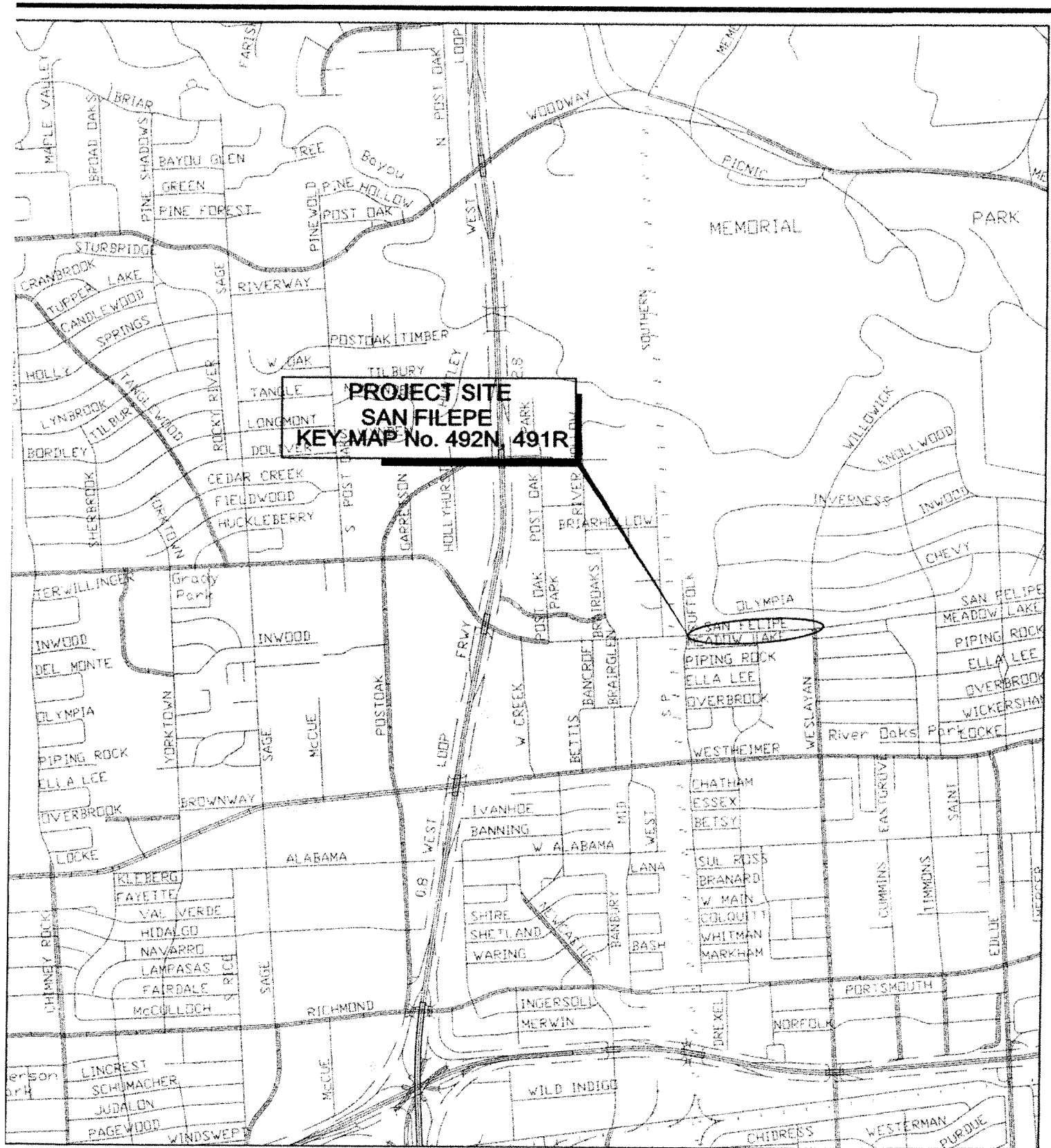
S:\E&C Construction\South Sector\PROJECT FOLDER\N-00610A-00E3-3\Close out\RCA\RCA - Closeout.doc

cc: Velma Laws Craig Foster Waynette Chan Marty Stein File No. SB9136-03/21.0

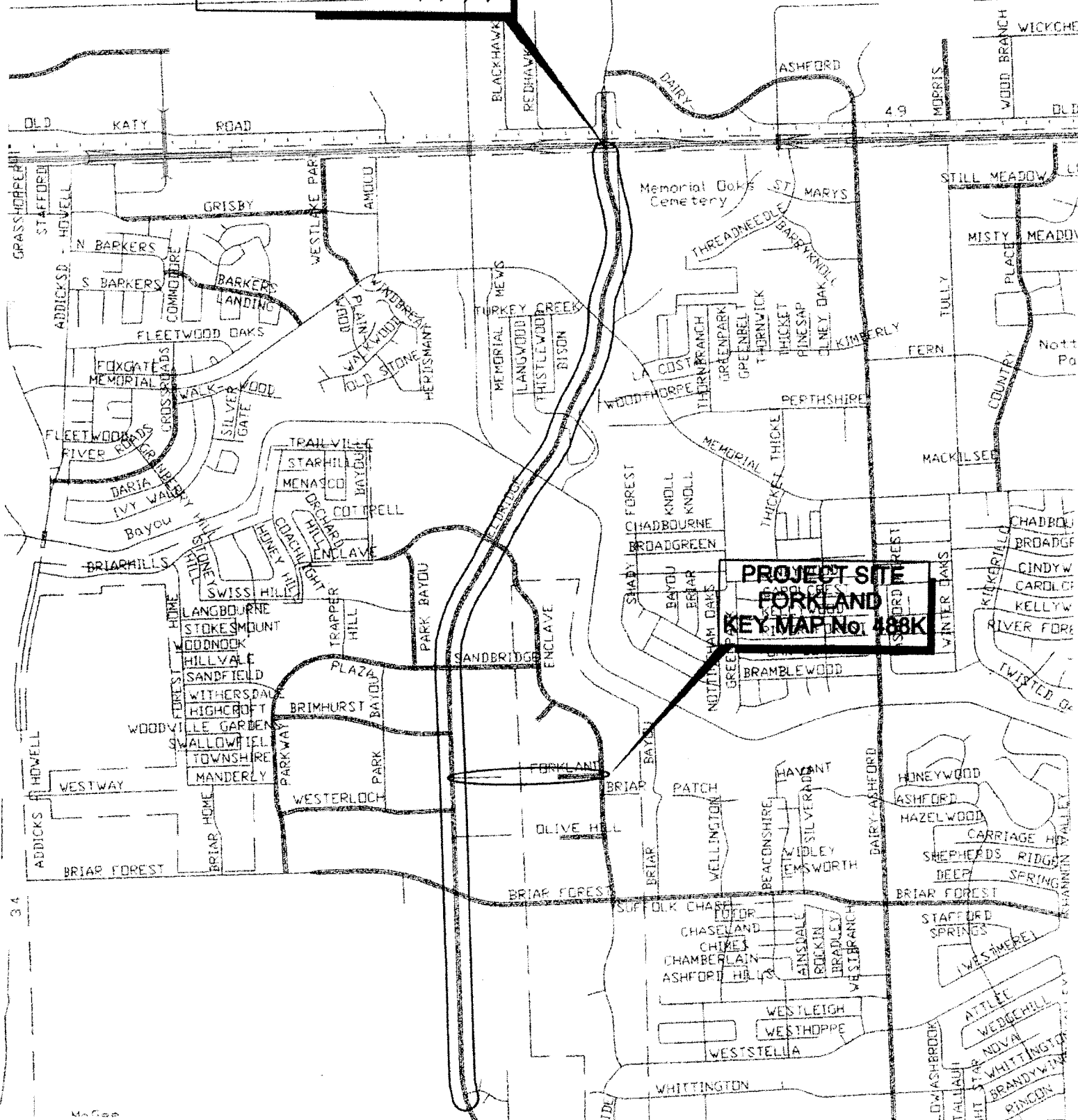
REQUIRED AUTHORIZATION**CUIC ID # 20HA53****Finance Department:****Other Authorization:****Other Authorization:**
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

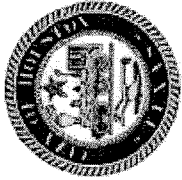


PROJECT SITE
HIGH STAR
KEY MAP No. 528G



PROJECT SITE
ELDRIDGE
KEY MAP NO. 488C,E,G,K,P





CITY OF HOUSTON
Department of Public Works & Engineering
Street and Bridge/Stormwater Engineering and Construction Branch


PROJECT STREET LIST

Project Name :
Contractor : Caan Construction Services
Project No. : N-00610A-00E3-4
Contract No. : 4600008204

Street	From Street	To Street	KEY MAP	Council District	Start Date	Comp Date	Status	Comments
Eldridge Parkway	Briar Forest	I-10	488C,488F,488G,488K,488P	G	12/10/07	4/24/08	Complete	
Forkland	Enclave Parkway	Eldridge Parkway	488K	G	12/10/07	4/24/08	Complete	
High Star	Synott	Dairy Ashford	528G	F	12/10/07	4/24/08	Complete	
San Felipe	Surfolk	Drexel	492N,492R	G	12/10/07	4/24/08	Complete	

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Water Line Replacement in Willow Run North Area. WBS No. S-000035-00F3-4.Page 1 of 1Agenda Item # 5**FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date5-8-09**Agenda Date**MAY 13 2009**DIRECTOR'S SIGNATURE:**
Michael S. Marcotte, P.E., D.WRE, BCEE, Director**Council Districts affected:**B *gpk***For additional information contact:**J. Timothy Lincoln, P.E.
Senior Assistant Director
Phone: (713) 837-7074**Date and Identification of prior authorizing Council Action:**

Ord. #2007-1038 dated 09/12/2007

RECOMMENDATION: (Summary) Pass a motion to approve the final Contract Amount of \$1,827,662.30, which is 3.72% under the original Contract Amount, accept the Work and authorize the final payment.**Amount and Source of Funding:** No additional appropriation required.

(Original appropriation of \$2,244,100.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)

PROJECT NOTICE/JUSTIFICATION: This project was part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase availability of water, improve circulation and fire protection.**DESCRIPTION/SCOPE:** The project consisted of construction of 665 linear feet of 4-inch, 468 linear feet of 6-inch, 25,149 linear feet of 8-inch, and 2,954 linear feet of 12-inch diameter water lines, valves, and appurtenances. Cobb, Fendley & Associates, Inc. and KIT Professionals, Inc. designed the project with 280 calendar days allowed for construction. The project was awarded to ACM Contractors, Inc. with an original Contract Amount of \$1,898,338.16.**LOCATION:** The project area is generally bound by Mosher Lane on the north, West Gulf Bank on the south, Veterans Memorial Drive on the east, and Ella Boulevard on the west. The project is located in the Key Map Grids 412-K, L, P & Q.**CONTRACT COMPLETION AND COST:** The Contractor, ACM Contractors, Inc. has completed the Work under subject Contract. The project was completed within the Contract Time. The final cost of the project, including overrun and underrun of estimated bid quantities is \$1,827,662.30, a decrease of \$70,675.86 or 3.72% under the original Contract Amount.

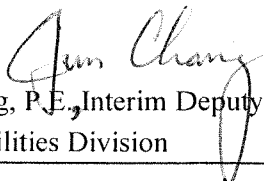

The cost underrun is primarily due to Work not requiring use of Clean Air Incentive Items and most Extra Unit Price Items.

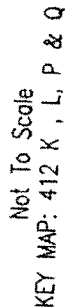
M/WBE PARTICIPATION: The M/WBE goal for this project was 22%. According to Affirmative Action and Contract Compliance Division, the actual participation was 21.90%. The Contractor was awarded a "Satisfactory" rating for M/WBE compliance.
MSM:DRM:JTL:JAK:DO:mq

S:\E&C Construction\North Sector\PROJECT FOLDER\S-000035-00F3-4 WLR WILLOW RUN NORTH\23.0 Closeouts\RCA\RCA.DOC

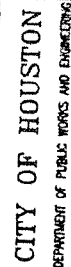
C: Velma Laws

File No. S-000035-00F3-4 - 21.0

REQUIRED AUTHORIZATION**CUIC ID# 20MZQ096****Finance Department:****Other Authorization:**
Jun Chang, P.E., Interim Deputy Director
Public Utilities Division**Other Authorization:**
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division



TOTAL (LF):	29.170
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Engineers & Planners & Construction Managers
2406 Wilcrest Drive, Suite 600
Houston, Texas 77004
Phone: (713) 783-8700 Fax: (713) 783-8747

12430 NW FRWY, SUITE 1100
HOUSTON, TEXAS 77040
(713) 482-3242
(713) 462-3262 Fax

WBS NO.: S-D00035-D0F3-4

VICINITY MAP

O: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** Accept Work for Water Line Replacement in Wrenwood Subdivision.
WBS. No. S-000801-0017-4.Page 1 of 1Agenda Item # **6****FROM (Department or other point of origin):**

Department of Public Works and Engineering

Origination Date
5-8-09**Agenda Date**
MAY 13 2009**DIRECTOR'S SIGNATURE:**
Michael S. Marcotte, P.E., D.WRE, BCEE, Director**Council Districts affected:**
A**For additional information contact:**J. Timothy Lincoln, P.E.
Senior Assistant Director
Phone: (713) 837-7074**Date and Identification of prior authorizing Council Action:**
Ord. #2008-306 dated 04/09/2008**RECOMMENDATION: (Summary)** Pass a motion to approve the final Contract Amount of \$871,131.40, which is 4.33% under the original Contract Amount, accept the Work and authorize the final payment.**Amount and Source of Funding:** No additional appropriation required.
(Original appropriation of \$1,050,700.00 from Water and Sewer System Consolidated Construction Fund No. 8500.)**PROJECT NOTICE/JUSTIFICATION:** This project was part of the City's Water Line Replacement Program. This program is required to replace and upgrade water lines within the City to increase circulation and availability of water.**DESCRIPTION/SCOPE:** The project consisted of the construction of 10 linear feet of 6-inch, 4,208 linear feet of 8-inch, and 10,279 linear feet of 12-inch water lines with all related appurtenances in Wrenwood Subdivision. Sander Engineering Corporation designed the project with 180 calendar days allowed for construction. The project was awarded to Collins Construction, LLC. with an original Contract Amount of \$910,518.00.**LOCATION:** The project area is generally bound by Hammerly on the north, Day on the south, Brittmoore on the east and Wycliff on the west. This project is located in the Key Map Grids 449-P, Q, & X**CONTRACT COMPLETION AND COST:** The Contractor, Collins Construction, LLC. has completed the Work under the subject Contract. The project was completed within the Contract Time with 21 additional days approved by Change Order No. 1. The final cost of the project, including overrun and underrun of estimated bid quantities, and previously approved Change Order No. 1 is \$871,131.40, a decrease of \$39,386.60 or 4.33% under the original Contract Amount.

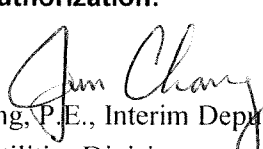

The decreased cost is primarily a result of an underrun in Base Unit Price Item No. 15 – 12-inch D.I.P. Restrained Joint Water Line and the Work not requiring use of most Extra Unit Price Items.

M/WBE PARTICIPATION: There was no M/WBE goal set for this project.MSM:DRM:JTL:LS:NG:mq
S:\E&C Construction\North Sector\PROJECT FOLDER\S-000801-0017-4 WLR Wrenwood\21.0 Close-out\RCA\RCA_Closeout.DOC

c: File No. S-000801-0017-4 - Closeout

REQUIRED AUTHORIZATION**CUIC ID# 20MZQ098**

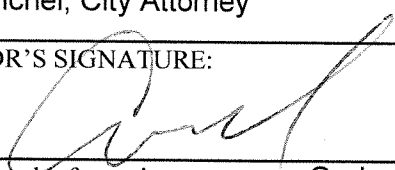

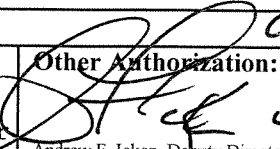
NDT

Director:**Other Authorization:****Other Authorization:**
Jun Chang, P.E., Interim Deputy Director
Public Utilities Division
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

The map shows the Addicks Reservoir in the upper left quadrant, with its flood control elevation noted as 114.0'. To the right of the reservoir is Turkey Creek. The Katy Freeway runs horizontally across the middle of the map, intersecting with Beltway 8 running vertically. Various neighborhoods are labeled, including Springwoods Park, Westchase, and others. A callout box at the top center, labeled "PROJECT LOCATION", has lines pointing to a specific area near the intersection of Katy Freeway and Beltway 8.

WBS Number S-000801-0017-4

EXHIBIT 2

SUBJECT: Parcels AY7-423 & AY7-429; City of Houston v. FVL, Ltd., a Texas limited partnership, et al., Cause No. 922,728; Mercury Drive Paving Project WBS/CIP No. N-000625-0001-2-01-01; Legal Department File No. 052-0700047-006.		Page 1 of 2	Agenda Item # 7
FROM (Department or other point of origin): Legal Department - Real Estate Division Arturo Michel, City Attorney		Origination Date 02/27/09	Agenda Date MAY 13 2009
DIRECTOR'S SIGNATURE: 		Council District affected: "I" James G. Rodriguez; K.M.#496A	
For additional information contact: Ondrea U. Taylor Phone: 832.393.6280 (alternatively Joseph N. Quintal 832.393.6286)		Date and identification of prior authorizing Council action: Authorizing Ord. # 2008-105, psd. 02/6/08; BAO# 2005-1047, psd. 9/07/05	
RECOMMENDATION: (Summary) That the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.			
Amount and Source of Funding: \$56,332.00; No appropriation needed as funding will be provided by a previously approved Appropriation Ordinance No. 2005-1047, psd. 9/07/05. Street & Bridge Consolidated Construction Fund No. 437; SAP Fund No. 4506			
SPECIFIC EXPLANATION: The Mercury Drive Paving Project will provide for right-of-way acquisition, engineering and construction of two 24-foot roadways with curbs, sidewalks and the necessary underground utilities. The improvements will update the existing roadway to major throughfare standards and provide connection to U.S. Hwy. 90. This eminent domain proceeding involves the acquisition of a permanent easement upon two parcels of land respectively containing 18,714 square feet (0.4296 acre) and 2,834 square feet (0.0650 acre) located at 174 Oates Road. The property is needed for the road widening project. The property is owned by FVL, Ltd., a Texas limited partnership. This matter was referred to the Legal Department to commence eminent domain proceeding after the landowner's legal representative was deemed unresponsive to the City's final offer of \$42,914.00 to purchase the property. City's Testimony for the Special Commissioners: \$41,711.00 (i.e. Parcel AY7-423 \$1.50 psf or \$28,071.00 for the land being acquired, \$5,980.00 as the depreciated value of the improvements thereon and \$3,000.00 as damages to the remainder in the form of costs to cure; Parcel AY7-429 \$1.50 psf or \$4,251.00 for the land being acquired, \$409.00 as the depreciated value of the improvements thereon and no damages to the remainder) Landowner's Testimony for the Special Commissioners: \$62,500.00 (i.e. \$2.50 psf or \$53,870.00 for the land being acquired, \$8,630.00 for the improvements thereon)			
h:\mark\fv\mercuryca.wpd REQUIRED AUTHORIZATION			
Other Authorization:	Other Authorization:  Michael S. Marcotte, Director P.E., D.WRE, BCEE	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division	90AH215 4/16/09

Date 02/27/09	SUBJECT: Parcels AY7-423 & AY7-429; FVL, Ltd. Mercury Drive Paving Project; L.D. File No. 052- 0700047-006;	Originator's Initials OUT/JNQ	Page __2__ of __2__
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Agreed Award of Special Commissioners: \$55,000.00.

The "**Costs of Court**" are as follows, to wit: \$172.00 filing fee; \$900 Special Commissioners' fees (i.e. \$300.00 x 3); \$260.00 Service of Process; **Total: \$1,332.00.** These "costs of court" account for the monetary difference between the amount of the Award of Special Commissioners and the total amount of funds needed herein.

We recommend that the City Attorney be authorized, by Motion, to deposit the amount of the Award of Special Commissioners into the registry of the Court, pay all costs of court and not file any objections to the Award. Funding will be provided by a previously approved blanket Appropriation Ordinance.

1 ACRE
S.W. QUAD 36, T. 24 N., R. 10 E., S. 10
TO RAFAEL VALADEZ, et al
FILE NO. M589479, O.P.R.P.

4.5 ACRES - TRACT 24
FROST PROPERTIES, LIG
TO
FM, 114
FILE NO. U176977, O.P.R.P.
(FILE NO. D002346, O.P.R.P.)

AY7-423
16,714 S.F.
(0.4806 ACRE)

1.5 ACRES - TRACT 29
FROST PROPERTIES, LIG
TO
FM, 114
FILE NO. U176977, O.P.R.P.
(FILE NO. M103801, O.P.R.P.)

1.518 ACRES - TRACT 30
FROST PROPERTIES, LIG
TO
FM, 114
FILE NO. U176977, O.P.R.P.
(FILE NO. D003464, O.P.R.P.)

0.485 ACRE
ROBERT A. SHELLEY, et al
TO
THE TEXAS PIPE LINE COMPANY
VOL. 122, PG. 104, D.R.H.C.

OATES ROAD
(80' R.O.W.) (VOL. 587, PG. 120, D.R.H.C.)

OATES ROAD
(80' R.O.W.) (VOL. 384, PG. 83, D.H.C.)

1.0003 ACRES
MANVONE R. OEDA
TO
THOMAS VAN HOUTEN
FILE NO. 234786, O.P.R.P.

0.8038 ACRE - TRACT 1
A.C. DICKINSON, et al
TO
GRADY B. ANDERSON
FILE NO. T003745, O.P.R.P.

1.00 ACRE - TRACT 11
A.C. DICKINSON, et al
TO
GRADY B. ANDERSON
FILE NO. T003745, O.P.R.P.

1.0001 ACRES
GUY L. JAMES, II
TO
GEORGE W. PHILLIPS, et al
FILE NO. V033745, O.P.R.P.

0.8940 ACRE
RUTH F. HALL
TO
GEORGE W. PHILLIPS, et al
FILE NO. V033745, O.P.R.P.

REELS & TROBROUGH SURVEY, A - 59
C. MARTINEZ SURVEY, A - 545

CONVEYING
POINT
TO
BINDER
IN
PORTFOLIO

STANDARD LINE
Q. 100% INTEREST
A. 97% INTEREST

1.09807 ACRES
J.M. FROST II
TO
SOUTHWEST OILFIELD PRODUCTS, INC.
FILE No. E148101, O.F.R.R.P.

RESIDUE OF
3.6 ACRES
V.E. WOODWORTH, et ux
TO
SOUTHWEST OILFIELD PRODUCTS, INC.
FILE NO. D013028, O.P.R.P.

1.20523 ACRES ~ TRACT 23
FROST PROPERTIES, Ltd.
to
FV, Ltd.
FILE NO. U126977, O.P.R.P.,
(FILE NO. E146101, O.P.R.P.)

0.9969 ACCE
HECTOR A. FLORES
TO
MANUEL GARCIA, et ux
FILE No. X896191, O.P.R.R.P.

AY7-428
2,834 S.F.
(0.0650 ACRE)

N 02°27'31" W 23.18"

A = 03°28'28"

E = 2640.00"

L = 123.71"

N 01°00'57" E 3.21"

S 87°36'29" W 20.00"

N 87°36'29" E 15.05"

FMD. 1-1/2 I.P. (BEAK) BEARS

S 87°36'29" W - 0.31"

S 02°27'31" E 150.00"

FMD. 1/2 I.P. BEARS

S 87°36'29" W - 0.24"

OATES ROAD
(50' R.O.W.) (VOL. 594, PG. 80, D.R.H.C.)

**BEGINNING
POINT**
X = 3150308.05
Y = 12854000.34

ACRES
WELL. et al
0
AYARD, JR
85, O.P.R.P.

11.718 ACRES
C. & H. CO., INC.
TO
R.L.R. INVESTMENTS, LLC
FILE NO. T178989, O.P.R.R.P.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate Funds and Authorize Issuance of a Purchase Order
for Repair/Renovation of Fire Station 20
WBS No: C-000178-0001-3, C-000178-0001-4

Page
1 of 2Agenda
Item

8-8A

FROM (Department or other point of origin):
General Services Department

Origination Date
05-07-09

Agenda Date
MAY 13 2009

DIRECTOR'S SIGNATURE:

Issa Z. Dadoush, P.E.

Council District(s) affected:
1

For additional information contact:

Jacquelyn L. Nisby

Phone: 832.393.8023

**Date and identification of prior authorizing
Council action:**

RECOMMENDATION: Appropriate funds, authorize the director to allocate \$1,221,409.00 and authorize issuance of a purchase order in the amount of \$110,000.00 to Natex Corporation (Natex) for the Houston Fire Department.

Amount and Source of Funding:

\$1,221,409.00 Reimbursement of Equipment/Projects Fund (1850)

Finance Budget:

Michelle Melville

SPECIFIC EXPLANATION: Fire Station 20 is approximately 40 years old and sustained major structural damage during Hurricane Ike. The facility will require major repairs and an aggressive construction schedule to put the station back in operation. Fire personnel have been relocated to Fire Stations 18 and 23. Following the hurricane, the consultant, Natex was a first responder to assess the extent of damage to the structure and has issued a structural report along with recommendations.

The General Services Department (GSD) therefore recommends that City Council appropriate funds and authorize issuance of a purchase order in the amount of \$110,000.00 to Natex for design and construction administration services. The repair/renovation work will be accomplished through GSD's In-House Renovation Group, competitive bid, the Job Order Contracts, and existing citywide contracts. It is further recommended that City Council delegate authority to the director to allocate \$1,221,409.00 between these various vendors. It is expected that the Reimbursement of Equipment/Projects Fund will be reimbursed by City property insurance and FEMA.

PROJECT LOCATION: 6902 Navigation (Key Map 494V)

PROJECT DESCRIPTION: The scope of work consists of retrofitting the existing structure with vertical bracing to minimize lateral movement. The entire roof and façade will be removed and replaced. New mechanical, electrical, and plumbing systems will be designed and installed. The interior build-out will be requested under a separate Council action.

REQUIRED AUTHORIZATION

CUIC ID # 25DSGN38

General Services Department:

Houston Fire Department:

Humberto Bautista

Humberto Bautista, P.E.
Chief of Design and Construction Division

Phil Boriskie

Phil Boriskie
Chief

MD

ger

ndA

Date:	SUBJECT: Appropriate Funds and Authorize Issuance of a Purchase Order for Repair/Renovation of Fire Station 20 WBS No: C-000178-0001-3, C-000178-0001-4	Originator's Initials ON	Page 2 of 2
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The following is a breakdown of estimated expenditures:

<u>Estimated Cost</u>	<u>Description</u>
\$ 1,111,409.00	Construction (excluding interior build-out)
\$ <u>110,000.00</u>	Design phase and construction administration
\$ 1,221,409.00	Total Appropriation

IZD:PB:RAV:MP:JLN:ON:on

c :Marty Stein, Phil Boriskie, Jacquelyn L. Nisby, Esq., Webb Mitchell, Mary M. Villarreal, Morris Scott,
Kim Nguyen, File



**6902 NAVIGATION
HOUSTON , TX 77011**

KEY MAP NO. 494V

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8198

Subject: Amend Council Motion 2008-0344, Passed May 28, 2008, for Medical, Diagnostic and Virological Test Kits for the Houston Department of Health and Human Services.
S21-S22700-A1

Category #
4

Page 1 of 1

Agenda Item
9

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 29, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Kathy Barton Phone: (713) 794-9998
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

CM 2008-0344, Passed May 28, 2008

RECOMMENDATION: (Summary)

Amend Council Motion 2008-0344, passed May 28, 2008, to increase the spending authority from \$189,421.00 to \$265,189.40 for medical, diagnostic and virological test kits for the Houston Department of Health and Human Services.

Spending Authority Increased By: \$75,768.40

Finance Budget

\$75,768.40 General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2008-0344, to increase the spending authority for medical, diagnostic and virological test kits awarded to Gen-Probe Sales & Service from \$189,421.00 to \$265,189.40.

The additional spending authority is required to continue the operations of the Houston Department of Health and Human Services laboratory services until a new award is in place. The Strategic Purchasing Division anticipates that a new award recommendation will be presented to City Council by the end of August 2009. The Department's spending authority has been depleted during the recent months due to the expansion of clinic services and the increased laboratory testing for communicable and sexually transmitted diseases. A new award will require an extensive process and includes the laboratories' plans to enhance and convert most of their testing equipment to the Gen-Probe APTIMA amplified method for the benefits of an automated amplified assay including multiplex detection and differentiation for increased sensitivity, overall improvement of the workflow, and laboratory efficiency diagnosis of clinical services offered by the Department.

This award was approved by Council Motion 2008-0344 for a 60-month period in an amount not to exceed \$189,421.00. Expenditures as of April 29, 2009, totaled \$181,069.00.

This award consists of various diagnostic test kits used to test patients who visit the City's health clinics in accordance with federal mandates. All other terms and conditions shall remain as previously approved by City Council.

Buyer: Laura Marquez

Attachment: MWBE zero-percent goal document approved by the Affirmative Action Division.

Estimated Spending Authority

Department	FY09	FY10	Total
Health	\$25,256.14	\$50,512.26	\$75,768.40

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MOT



CITY OF HOUSTON

Finance & Administration Department
Strategic Purchasing Division (SPD)

Interoffice

Correspondence

To: Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

From: Laura A. Marquez

Date: December 18, 2007

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal:

Yes ☒ No ☐

Type of Solicitation: Bid ☒ Proposal ☐

I am **requesting** a MWBE goal below 11% (To be completed by SPD, and prior to advertisement): Yes ☒ No ☐ 0%

I am requesting a **revision** of the MWBE Goal: Yes ☐ No ☒ Original Goal: _____ New Goal: _____

If requesting a revision, how many solicitations were received: _____

Solicitation Number: S21-S22700

Estimated Dollar Amount: \$596,653.56

Anticipated Advertisement Date: 12/21/2007

Solicitation Due Date: 2/7/2008

Goal On Last Contract: 0%

Was Goal met: Yes ☐ No ☐

If goal was not met, what did the vendor achieve: _____

Name and Intent of this Solicitation:

This bid covers miscellaneous test kits, accessories and supplies that will be used on patients at the Health Clinics citywide by the Department of Health and Human Services for the screening of tuberculosis, HIV, measles, hepatitis, and other communicable and sexually transmitted infectious diseases.

Rationale for requesting a Waiver or Revision (Zero percent goal or revision after advertisement):
(To be completed by SPD)

These test kits will be shipped directly to the City of Houston from the pharmaceutical/medical supply company who hold the patents/rights and are sole sourced on this type of commodity. Currently, there is no City of Houston M/WBE manufacturing these medical, diagnostic and virological test kits. (Please see attached for a brief history on previous award)

Concurrence:

SPD Initiator

Robert Gallegos, Deputy Assistant Director
*Affirmative Action

Division Manager

Kevin M. Coleman, C.P.M.
Assistant Purchasing Agent

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

RECEIVED

DEC 19 2007

CITY OF HOUSTON

Affirmative Action
REVISED: 07/09/2007

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8292

Subject: Purchase of Learning Management System Software and Installation Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Human Resources Department S33-H23212

Category #
1 & 4

Page 1 of 2

Agenda Item

10-10A

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 22, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

[Signature]

Council District(s) affected

All

For additional information contact:

Candy Clarke Aldridge Phone: (713) 837-9333
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$442,970.00 from the Equipment Acquisition Consolidated Fund and approve the initial purchase of learning management system software and installation services in an amount of \$500,000.00 and \$236,400.00 for out year maintenance for a total amount not to exceed \$736,400.00 from the GSA Schedule 70 Contract for the Human Resources Department.

Award Amount: \$736,400.00

Finance Budget

Initial Implementation Cost:

\$442,970.00 - Equipment Acquisition Consolidated Fund (1800) WBS # X-681011
\$200,000.00 - AIF Capital Outlay Fund (8012)
\$125,000.00 - Combined Utility System Fund (8305)

\$ 767,970.00 - Sub-Total (see cost break down on page 2 of 2)

Out Years 1 through 5 for Software, Hardware Maintenance & Support Services Cost:

\$607,118.00 - (To be appropriated by separate council actions)

\$607,118.00- Sub-Total (see cost break down on page 2 of 2)

Total Project Cost: \$1,375,088.00

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance authorizing the appropriation of \$442,970.00 from the Equipment Acquisition Consolidated Fund (Fund 1800) and approve the initial purchase of learning management system software and installation services in an amount of \$500,000.00 and \$236,400.00 for out year maintenance for a total amount not to exceed \$736,400.00 from the GSA Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 and that authorization be given to issue purchase orders, as necessary, to the GSA contractor, PC Mall Gov. Inc. The total cost is \$767,970.00 for the initial deployment of the system and \$607,118.00 for out year maintenance for an aggregate total project cost of \$1,375,088.00 (see cost breakdown on page 2 of 2).

Eighteen vendors were reviewed. All but two were eliminated for failing to meet basic criteria. The remaining two vendors were listed on the GSA Schedule. Comparisons were made between the two nationally recognized providers. The vendor, PC Mall Gov., Inc. was chosen after a selection committee of eight representing eight departments and 15,000 COH employees unanimously recommended the best fit and value for the City.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

GSA

Date: 4/22/2009	Subject: Purchase of Learning Management System Software and Installation Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Human Resources Department S33-H23212	Originator's Initials CJ	Page 2 of 2
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The scope of work requires the contractor to implement a Learning Management System (LMS) for all City employees. The system will allow the City to centralize the tracking of all training data, streamline course registration and delivery, and provide online learning to the classroom or the desktop. The software will allow training and education activities to operate more effectively and efficiently while providing better service to all personnel. The LMS software solution includes the following modules:

- **Learning** – Online learning, registration, tracking, management, communication, and record keeping for all city employees. Creates a central database for managing compliance, certification, training and development for COH personnel.
- **Performance** – Personnel evaluation and development, 360 degree assessment, training recommendations. Provides a more effective and robust personnel evaluation system eliminating costs of current system. Provides the city with the ability to perform 360 degree assessments of managers and supervisors without the need to use outside vendors. Provides the ability to link the evaluation tools to training programs automatically to support development of city leaders.
- **Collaboration** –Webinars, remote classrooms, online meeting capability, and knowledge bank. Allows for online information exchanges, live meetings, knowledge and reference banks.
- **Publishing** – Online courseware development tools. Provides the COH with the tools to develop and distribute online learning, reducing travel time and expense and providing training and information to the desktop.

Initial Implementation Costs

\$500,000.00 Software and implementation (PC Mall Gov. Inc.)

\$ 95,170.00 Hardware equipment (Through DIR Go-Direct Vendor Hewlett Packard)

\$ 72,000.00 Salary recovery

\$100,800.00 SAP interface support services (To be purchased from existing COH Contract C62205 with Phoenix Business Consulting, Inc.)

\$767,970.00 Total Initial Implementation Cost

Out Years (Years 1 through 5)

\$236,400.00 – Software Maintenance & Support Services (PC Mall Gov. Inc.)

\$ 14,276.00 – Backup and Recovery Equipment

\$ 19,986.00 – Storage Growth

\$119,724.00 – Equipment Refresh

\$131,352.00 – Optional Modules and Implementation

\$ 18,046.00 – Optional Modules Maintenance

\$ 67,334.00 – SAP Interface Maintenance

\$607,118.00 – Total out years cost

Aggregate Total Project Cost: \$1,375,088.00

Buyer: Conley Jackson

REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA# 8323****Subject:** Approve the Purchase of Software Licenses, Maintenance, Training and Installation Services from the GSA Schedule 70 Contract through the Cooperative Purchasing Program for the Mayor's Office of Public Safety and Homeland Security S17-H23258Category #
4 & 5

Page 1 of 1

Agenda Item

11**FROM (Department or other point of origin):**Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department**Origination Date**

May 06, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE
For additional information contact:Dennis Storemski Phone: (713) 437-6111
Douglas Moore Phone: (832) 393-8724**Council District(s) affected**
All**Date and Identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

Approve the purchase of software, licenses, maintenance, training and installation services in a total amount not to exceed \$91,242.50 from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program for the Mayor's Office of Public Safety and Homeland Security.

Award Amount: \$91,242.50

Finance Budget

\$91,242.50 - Federal State Local Pass Through Fund (Fund 5030)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve the purchase of software, licenses, maintenance, training and installation services in a total amount not to exceed \$91,242.50 from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act of 2002 and that authorization be given to issue purchase orders to the GSA contractor Technical Communities, Inc. (d.b.a. Testmart) for the Mayor's Office of Public Safety and Homeland Security.


This purchase will consist of software installation and configuration services of Vidshield video software, training, management software component licenses, three-month warranty on the software licenses and three-years of software maintenance and updates. Additionally, this procurement will support required functionalities for use and management of the City's Public Safety Video System currently under development as a proof of concept by the Mayor's Office of Public Safety and Homeland Security.

Buyer: Murdock Smith III

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization: 

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8155

Subject: Amend Council Motion 2006-0688, Passed August 2, 2006, for Paper Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Departments
SC-R-7900-098-20671-A1

Category #
4

Page 1 of 2

Agenda Item

12

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

May 05, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

J. R. DuRousseau

Council District(s) affected
All

For additional information contact:

Dallas Evans Phone: (281) 230-8001
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

CM2006-0688; Passed 08/02/2006

RECOMMENDATION: (Summary)

Amend Council Motion 2006-0688, passed 08/02/2006, to increase the spending authority from \$1,053,361.70 to \$1,474,706.38 for paper disposable products (facial tissue, hand towels, toilet paper) for various departments.

Spending Authority Increased By: \$421,344.68

Finance Budget

\$257,844.48 HAS Revenue Fund (8001)
\$108,830.60 General Fund (1000)
\$ 54,669.60 PWE-Water & Sewer System Operating Fund (8300)
\$421,344.68 Total

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council amend Council Motion 2006-0688, to increase the spending authority for disposable paper products (facial tissue, hand towels, toilet paper) awarded to Unisource Worldwide, Inc. from \$1,053,361.70 to \$1,474,706.38.

The additional spending authority will continue the operations in the various departments' maintenance facilities. During the recent months, the Departments' spending authority was depleted due to (1) the addition of new items to the award (2) two new departments utilizing the award and (3) unforeseen emergency requirements relative to Hurricane Ike.

This award began August 8, 2006 for a 36-month period, with two one-year options to extend in an amount not to exceed \$1,053,361.70. Expenditures as of May 4, 2009 totaled \$957,483.83. This award consists of facial tissue, paper towels, terry towels and toilet paper used by the staff and public within the various departments.

This solicitation was advertised with a 2% goal for M/WBE participation and Unisource Worldwide, Inc. is currently exceeding the goal.

Buyer: L. Marquez

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NDT

Date: 5/5/2009	Subject: Amend Council Motion 2006-0688, Passed August 2, 2006, for Paper Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Departments SC-R-7900-098-20671-A1	Originator's Initials LM	Page 2 of 2
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Increase Spending Authority

Department	FY2009	FY2010	Total
Convention & Entertainment Facilities	\$ 11,352.80	\$ 22,705.60	\$ 34,058.40
Houston Airport System	\$ 85,948.16	\$ 171,896.32	\$257,844.48
Police	\$ 1,368.00	\$ 2,736.00	\$ 4,104.00
General Services	\$ 10,549.34	\$ 21,098.66	\$ 31,648.00
Health & Human Services	\$ 11,638.74	\$ 23,277.46	\$ 34,916.20
Public Works & Engineering	\$ 18,223.20	\$ 36,446.40	\$ 54,669.60
Solid Waste Management	\$ 1,368.00	\$ 2,736.00	\$ 4,104.00
Total	\$140,448.23	\$ 280,896.45	\$421,344.68



CITY OF HOUSTON
Affirmative Action and Contract Compliance
Request for Verification of MWDBE Participation

Date: 02/27/2009 **Requestor:** Laura A. Marquez

Prime Contractor: Unisource Worldwide Inc

Contract/BPO: OA #4600006994
Formal Bids Received for Paper, Disposable Products (Facial Tissue, Hand Towels, Toilet Paper) for Various Department

Contract Description: SC-R-7900-098-20671

Prime Contract Person: Don Nurdin **Phone:** 713-744-5643
End **MWBE**

Award Date: 08/08/2006 **Date:** 08/07/2009 **Goal:** 2%

Amount Paid by City (to date): \$885,632.04 (Purchase Orders Issued)

Scheduled MWDBE Participation: \$17,712.64

MWBE: A-Fast Hot Shot Delivery Service ; Air Fly Delivery Service

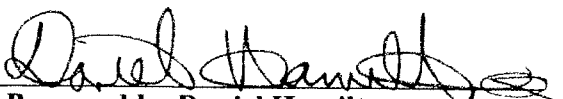
Amount of Intent: \$21,067.23

FOR AFFIRMATIVE ACTION USE ONLY

Actual M/WDBE Dollar Amount Paid: \$62,661.94

M/WDBE Participation Achieved: 7.08%

To this date, Unisource Worldwide, Inc. has achieved the MWDBE goal on this contract.


Prepared by Daniel Hamilton
Contract Compliance Supervisor

March 5, 2009

Date: _____

Approved by Morris Scott
Division Manager

Date: _____

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8296

Subject: Formal Bids Received for Automotive, Ford Car/Light Truck Replacement Parts and Repair Services for Various Departments S06-S23116

Category #
4

Page 1 of 2

Agenda Item

13

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 13, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected

All

For additional information contact:

Joseph Fenninger *JF 4/15/09* Phone: (713) 308-1708
Desiree Heath Phone: (832) 393-8742

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an award to Tommie Vaughn Motors, Inc. on its low overall bid in an amount not to exceed \$5,051,059.00 for automotive, Ford motor car/light truck replacement parts and repair services for various departments.

Estimated Spending Authority \$5,051,059.00

Finance Budget

\$4,241,154.00 General Fund (1000)
\$ 809,905.00 Fleet Management Fund (1005)
\$5,051,059.00

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an award to Tommie Vaughn Motors, Inc. on its low overall bid in an amount not to exceed \$5,051,059.00, for automotive, Ford motor car/light truck replacement parts and services for various departments. It is further requested that authorization be given to make purchases, as needed, for a 60-month period. This award consists of two price lists for various replacement parts which includes; but is not limited to, fenders, inner shields, compressor assemblies, coil assemblies, brake rotors and pads that will be used to repair City vehicles within the Fire, Police, Public Works & Engineering, Parks & Recreation and Solid Waste Management Departments. This award also includes an \$872,845.00 labor component for the repair of equipment that cannot be performed by City personnel.

This is a price list award. The best discount which determines the low bid for a price list is the best bid received for quantities of high-use items selected as sample pricing items based on the current needs of the Department. The bid total for sample pricing items does not represent the total amount to be purchased; rather, this award recommendation is for the total estimated expenditures projected over the 60-month period based on the low bid submitted for the representative samples.

The project was advertised in accordance with the requirements of the State of Texas bid laws. Seven prospective bidders downloaded the solicitation document from SPD's e-bidding website, and three bids were received as outlined below:

<u>COMPANY</u>	<u>SAMPLE PRICING TOTAL</u>
1. Bayou City Ford	\$ 646.74 (Partial Bid/Higher Unit Cost)
2. Tommie Vaughn Motors, Inc.	\$2,125.23
3. Russell & Smith Ford	\$2,252.17

Buyer: Tywana L. Rhone

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MA

[Signature] 4/15/09

204

Date: 4/13/2009	Subject: Formal Bids Received for Automotive, Ford Car/Light Truck Replacement Parts and Repair Services for Various Departments S06-S23116	Originator's Initials TR	Page 2 of 2
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M/WBE Subcontracting:

This bid was advertised with an 11% goal for M/WBE participation. **Tommie Vaughn Motors, Inc.** has designated the below-named company as its certified M/WBE subcontractor.

<u>NAME</u>	<u>TYPE OF WORK</u>	<u>AMOUNT</u>
General Body Manufacturing, Inc. DBA General Truck Body	Provide Parts	\$555,616.49

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: A resolution to nominate The Grocers Supply Co., Inc. located at 3131 Holcombe Blvd. 77021, as an Enterprise Project.

Category #

Page 1 of 2

Agenda Item# 14

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

May 4, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

MS Michelle Mitchell

Council Districts affected:

District "D" – CM Adams

For additional information contact:

Tom C. Mesa, Jr.

Phone: 713-837-9857

Keith R. Phillips

Phone: 713-837-0610

Date and identification of prior authorizing Council Action:

Ordinance 2008-118 dated 2/12/08 and
Ordinance 2008-359 dated 4/22/08**RECOMMENDATION: (Summary)** A resolution to nominate The Grocers Supply Co., Inc. located at 3131 Holcombe Blvd. 77021, as an Enterprise Project.

Amount of Funding: No City funding required

Finance Budget:

SOURCE OF FUNDING:☐ General Fund☐ Grant Fund☐ Enterprise Fund☒ Other (Specify) State funded incentive**SPECIFIC EXPLANATION:**

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment. A State Enterprise Zone is any census tract block group that has a 20% or more poverty rate, as determined by the U.S. Census Bureau during each decennial census.

State law requires a municipality or county to nominate a project of a qualified business for designation as an Enterprise Project to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium; the City is limited to a maximum of 6 project designations. The next deadline for the quarterly state application is June 1, 2009.

Enterprise Projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created or retained at the qualified business site. Depending on investment amount, there is a maximum refund of \$2,500 - \$7,500 per job for the company.

City Council previously adopted an ordinance authorizing the City to nominate projects for this State Funded incentive. The City is nominating The Grocers Supply Co., Inc. for a Double Jumbo Enterprise Project with an estimated capital investment \$150 million and retention of 1,085 full-time jobs over the 5-year program period.

Specifically, the company plans to expand its Holcombe refrigerated warehouse by 18,000 sq. ft., construct a Wellness Center to provide medical care to Grocer's employees and family members, and institute a transportation automation system to control fuel consumption and reduce emissions. An impact analysis by the Greater Houston Partnership estimates the net benefit for the City to be approximately \$11.4 million over the first ten years.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

**GROCERS SUPPLY CO., INC.
ENTERPRISE ZONE PROGRAM**

MAY 5, 2009

TABLE OF CONTENTS

- Enterprise Zone Program Summary
- Project Summary
- Qualified Business Site Summary
- Economic Benefit / Impact Analysis
- Project Location Map

GROCERS SUPPLY CO., INC.
ENTERPRISE ZONE PROGRAM SUMMARY

Program Objective

The Texas Enterprise Zone Program (EZ) is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state. To clearly identify distressed areas, an EZ is defined as any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau decennial census. No action needs to be taken to classify an area as an EZ. An area is automatically classified as such if it meets the criteria.

Participation

Local communities must declare their participation in the program and nominate a company as an Enterprise Project to be eligible to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium. Municipalities with a population of 250,000 or more are eligible for up to six enterprise project designations during a state biennium. The state accepts applications quarterly with deadlines on the first working day of March, June, September and December.

Benefits to Participation

Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the qualified business site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

In addition, local communities must offer incentives to participants under the enterprise zone program, such as tax abatement, tax increment financing and one-stop permitting.

Participation Requirements

Communities may nominate projects, for a designation period of not less than one year up to five years, non-inclusive of a 90-day window prior to the application deadline. Employment and capital investment commitments must be incurred and met within this timeframe. Projects may be physically located in or outside of an Enterprise Zone. If located within a zone, the company commits that at least 25% of their new employees will meet economically disadvantaged or enterprise zone residence requirements. If located outside of a zone, the company commits that at least 35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements. Under limited statutory provisions, an enterprise project designation may be granted for job retention.

**GROCERS SUPPLY CO., INC.
PROJECT SUMMARY**

PROJECT SUMMARY

Type of Project: Enterprise Zone Program

Company Name: The Grocers Supply Co., Inc.

Primary Representative: Vicki Baum
Chief Financial Officer
3131 East Holcombe Boulevard
Houston, Texas 77044
713.746.5798
vickibaum@grocerybiz.com

Local Business Representative: Vicki Baum
Chief Financial Officer
3131 East Holcombe Boulevard
Houston, Texas 77044
713.746.5798
vickibaum@grocerybiz.com

Primary Project Location: The Grocers Supply Co., Inc.
3131 East Holcombe Boulevard
Houston, Texas 77044
Harris County

Business Profile:

The Grocers Supply Co., Inc. ("Grocers Supply") operates today on the principles and philosophy of its founder, Mr. Joe Levit. He recognized and satisfied the needs of the independent grocer and established a tradition of integrity, compassion, service, and friendship. Their employees are dedicated to maintaining these standards and are proud to have shared in the success of their retail friends. Joe Levit was 16 years old when he arrived in this country from Russia in 1914. With only seven dollars in his pocket, he went to school, worked part-time at the Magnolia Paper Company and eventually became a stenographer. In 1917, he bought a grocery store in Houston at the corner of Winter and Colorado.

He later sold this store and bought a second store on Harrisburg. Joe Levit soon realized that no one was doing a good job servicing the independent grocer and decided to get into the wholesale business. He left the grocery store in the capable hands of his wife, Dora, and in 1923, leased a three story 7,500 square foot building on the old Produce Row. At that time, there were eleven wholesale grocery companies competing for sales to the small independent corner grocery stores.

In 1928, the company's 10 trucks and 42 employees moved to a larger warehouse on Commerce Street, downtown by the bayou. After the flood in 1936, the company relocated to a three story facility at Commerce and Jackson. The business continued to grow and the company moved across the street into a new modern facility on North Jackson.

In 1956, Grocers Supply opened its present location on Holcombe Boulevard. This facility has been expanded several times and now covers more than 747,752 square feet. In 1983, a new 105,000 square foot cooler/freezer was built across the street from the Holcombe warehouse, and this building has also been enlarged to a total of 211,661 square feet. The company operates 4 satellite warehouses in Houston.

Today, Grocers Supply services more than 1,000 grocery stores and 1,200 convenience stores in a 350 mile radius of Houston. Our fleet consists of over 250 tractors, over 800 trailers and more than 2,500 employees.

Development/Project Profile:

SUMMARY

Grocers Supply's application for a Texas Enterprise Project Designation consists of a commitment of \$150 million in capital investment. Grocers Supply expects to retain approximately 1,085 full time jobs with a total amount of annual payroll for those retained jobs of \$47,462,886.96. Following the rules of the Texas Enterprise Zone Program, at least 35% of any turnover or new positions will be either Enterprise Zone residents or economically disadvantaged individuals. The majority of job growth is expected to be at the staff and lower levels with an average weekly salary of \$841.24

DETAILS

This project includes retained jobs of the Grocers Supply Houston-3131 Holcombe facility and its satellite warehouses/departments.

At the end of this document please see the attached listing of facilities that will be included as satellite locations of the 3131 Holcombe Enterprise Project designation site.

Existing Jobs:

Existing Jobs At All Texas Locations

City	Number of Jobs
Houston	2,431
Ferris	83
Harlingen	20
Converse	9

Capital Investment:

Projected Capital Investment

Subject	Amount To Be Invested
Land	\$3,129,993
Buildings	\$36,148,479
Other Machinery & Equipment	\$91,726,735
Other	\$19,078,395
Total	\$150,083,602

In addition to the capital investment amounts listed above, the following is a listing of projects that are projected to occur over the five-year designation period:

1. Freezer Expansion - Project involves expanding the Holcombe Refrigerated Warehouse by 18,000 square feet.
2. Wellness Center - the on-site clinic will provide primary medical care services to Grocers Supply employees and their family members at reduced costs.
3. Transportation Automation - the Transportation project includes installing on board computers in all of the company's tractors, installing an automated dispatch system and setting up a Yard & Dock Management System to automate our transportation department.

Proposed Schedule/Timeline:

Texas Enterprise Project Application to be submitted by June 1, 2009.

Local Incentives Requested:

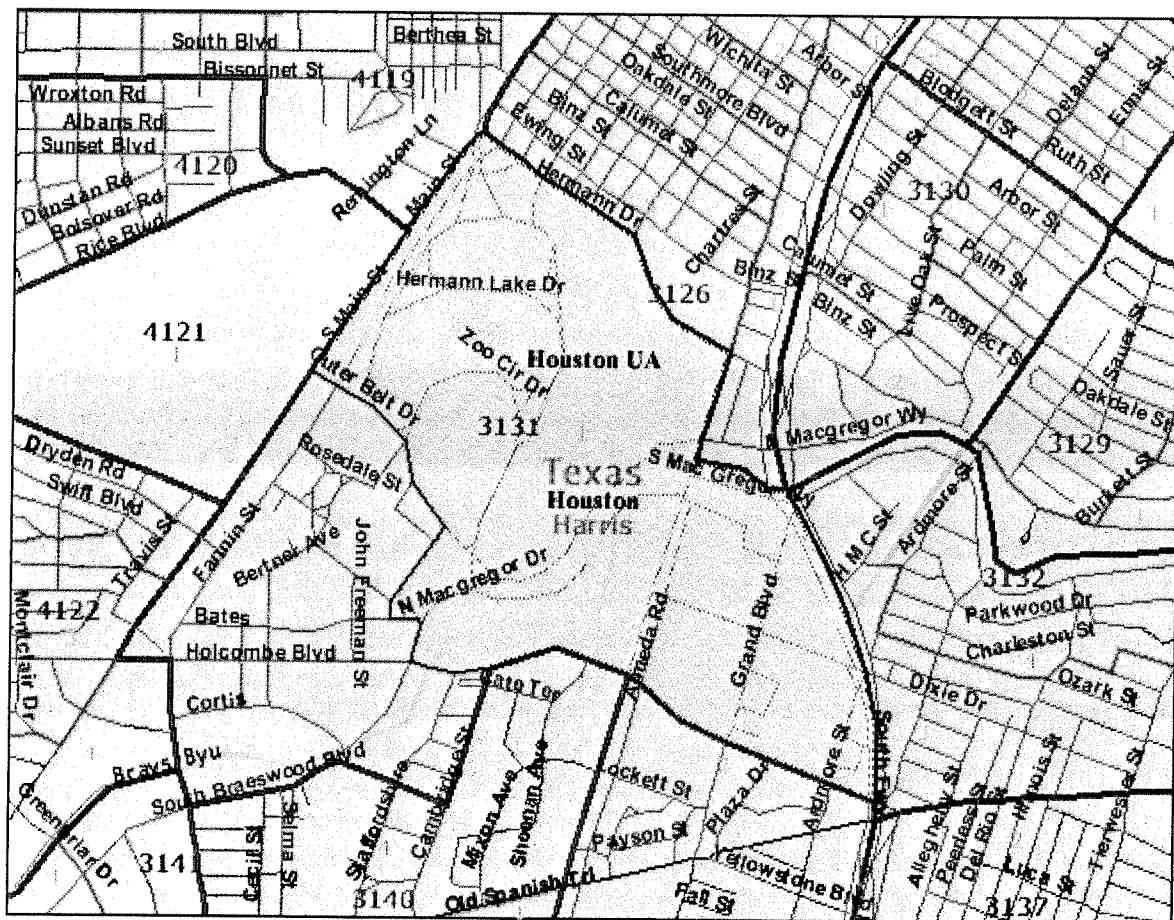
Nomination as a Double Jumbo Enterprise Project

**GROCERS SUPPLY CO., INC.
QUALIFIED BUSINESS SITE SUMMARY**

Demographics of Census Block Group

The qualified business site of 3131 East Holcombe Blvd. is located in U.S. Census Tract 3131, Block Group 1, Harris County. The poverty rate of this area is 16.50%

**Block Group 1, Census Tract 3131,
Harris County**



Demographics of Block Group 1 Census Tract 3131

Subject	Number	Percent
Total Population	893	
White	627	70.2%
Black/African American	127	14.2%
Asian	46	5.2%
Hispanic or Latino	68	7.6%
Two or more races	25	2.8%
Number of Householders	358	
15 to 24 years	9	2.5%
25 to 34 years	54	15.1%
35 to 44 years	72	20.1%
45 to 54 years	86	24.0%
55 to 64 years	57	15.9%
65 years and over	80	22.3%
Poverty Rate	112/677	16.5%

Source: U.S. Census Bureau

The Grocers Supply Co., Inc.	Number	Percent
Demographics of Grocers Supply for Participating Locations-2008	1973	
White	363	18.4%
Black/African American	924	46.8%
Asian	40	2.0%
Hispanic or Latino	640	32.5%
American Indian	1	.05%
Two or more races	5	.25%

Source: 2008 Equal Employment Opportunity Report

GROCERS SUPPLY COMMUNITY INVOLVEMENT

Community Involvement Contact

The following is a list of Community Contributions made by Grocers Supply in the past year:

Council of Alcohol & Drugs	\$3,000
Coalition to Support American Heroes	\$3,000
S.E.A.R.C.H.	\$5,000
Houston PBS	\$250
Moody Clinic	\$500
Texas Heart Institute	\$1,500
United Way	\$75,000
Health Care for the Homeless	\$1,000

The total value of the above contributions is \$89,250.

In addition to the financial contributions listed above, Grocers Supply organizes an annual Cancer Walk occurring every October to raise money for the American Cancer Society. The company had over 225 employees and their families participate in the 2008 Cancer Walk raising over \$10,000 for the cause.

Participating Locations of the 3131 Holcombe Enterprise Zone Facility:

1. Grocers Supply Produce
3000 Hicks St.
Houston, Texas 77007
Block Group 2, Census Tract 5102, Harris County, Texas
2. GSC Corder Warehouse
3110 Corder Street
Houston, Texas 77054
Block Group 1, Census Tract 3139, Harris County, Texas
3. GSC Refrigeration Warehouse
3100 E. Holcombe Blvd.
Houston, Texas 77021
Block Group 2, Census Tract 3139, Harris County, Texas
4. GSC Cayuga Warehouse
7405 Cayuga
Houston, Texas 77054
Block Group 1, Census Tract 3139, Harris County, Texas
5. GSC Maintenance Depart
6611 Grand Blvd
Houston, Texas 77021
Block Group 2, Census Tract 3139, Harris County, Texas
6. GSC Mailwell Warehouse
6400 Ardmore
Houston, Texas 77054
Block Group 1, Census Tract 3131, Harris County, Texas
7. GSC Mykawa Warehouse
6666 Mykawa Road
Houston, Texas 77033
Block Group 2, Census Tract 3322, Harris County, Texas
8. GSC Print Shop
3134 Corder St.
Houston, Texas 77054
Block Group 1, Census Tract 3139, Harris County, Texas
9. GSC Purchasing Department
3020 E. Holcombe Blvd.
Houston, Texas 77021
Block Group 2, Census Tract 3139, Harris County, Texas

**GROCERS SUPPLY CO., INC.
ECONOMIC BENEFIT/IMPACT ANALYSIS**

The following executive summary is from A Report of the Economic Impact of Grocers Supply Co., Inc. in Houston, Texas, commissioned by the Greater Houston Partnership and conducted by Impact DataSource.

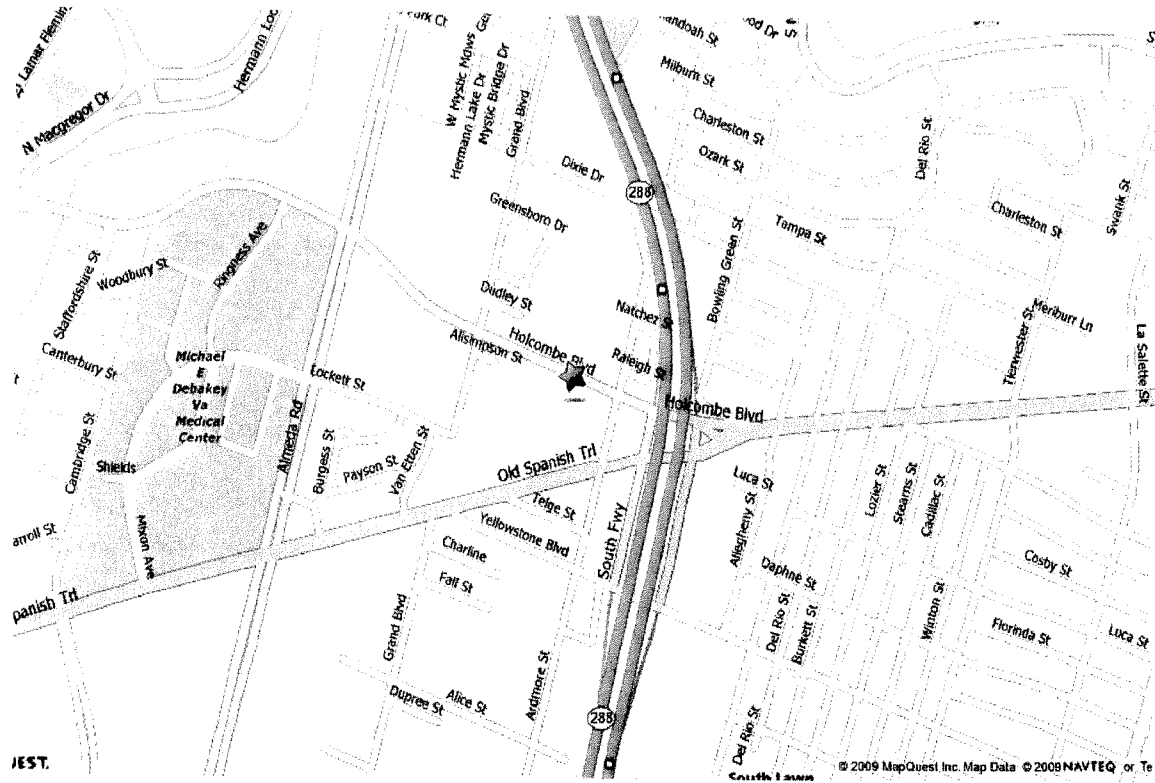
This analysis was created on the assumption of the retained employment and production at the Houston facility. Obviously, a drop in employment and production would have a negative impact on the significant contributions Anheuser-Busch is making to not only the City of Houston, but the entire region. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

Net Benefits for Local Taxing Districts Over the First Ten Years

The net benefits (the extent to which revenues exceed costs) over the first ten years for the city, county, school district and special taxing districts in which the expanded firm is or will be located are shown below.

Net Benefits for Local Taxing Districts Over the First Ten Years				
		Benefits	Costs	Net Benefits
City:	Houston	\$40,771,357	\$29,337,938	\$11,433,420
County	Harris	\$3,574,230	\$2,030,078	\$1,544,151
School district:	Houston ISD	\$43,822,021	\$34,150,777	\$9,671,244
STD 1:	Harris County Flood Control	\$186,757	\$0	\$186,757
STD 2:	Port of Houston Authority	\$107,297	\$0	\$107,297
STD 3:	Harris County Hospital District	\$1,162,901	\$0	\$1,162,901
STD 4:	Harris County Department of Education	\$35,342	\$0	\$35,342
STD 5:	Houston Community College	\$559,362	\$0	\$559,362
STD 6:	Greater Southeast Management District	\$695,949	\$0	\$695,949
STD 7:	Metropolitan Transit Authority	\$17,375,917	\$0	\$17,375,917
Total		\$108,291,800	\$65,518,793	\$42,773,007

GROCCERS SUPPLY CO., INC. PROJECT LOCATION MAP



REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: A resolution to nominate Valero Refining – Texas, L.P. located at 9701 Manchester Street, 77012, as an Enterprise Project.

Category #

Page 1 of 2

Agenda Item#

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date

May 4, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

District "I" – CM Rodriguez

For additional information contact:

Tom C. Mesa, Jr.

Phone: 713-837-9857

Keith R. Phillips

Phone: 713-837-0610

Date and identification of prior authorizing Council Action:

Ordinance 2008-118 dated 2/12/08 and
Ordinance 2008-359 dated 4/22/08

RECOMMENDATION: (Summary) A resolution to nominate Valero Refining – Texas, L.P. located at 9701 Manchester Street, 77012, as an Enterprise Project.

Amount of Funding: No City funding required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify) State funded incentive

SPECIFIC EXPLANATION:

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment. A State Enterprise Zone is any census tract block group that has a 20% or more poverty rate, as determined by the U.S. Census Bureau during each decennial census.

State law requires a municipality or county to nominate a project of a qualified business for designation as an Enterprise Project to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium; the City is limited to a maximum of 6 project designations. The next deadline for the quarterly state application is June 1, 2009.

Enterprise Projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created or retained at the qualified business site. Depending on investment amount, there is a maximum refund of \$2,500 - \$7,500 per job for the company.

City Council previously adopted an ordinance authorizing the City to nominate projects for this State Funded incentive. The City is nominating Valero Refining – Texas, L.P. for a Double Jumbo Enterprise Project with an estimated capital investment \$215 million and retention of 300 jobs over the 5-year program period.

The company plans to improve efficiencies at its Houston facility. Specifically, Valero plans to install equipment to increase the reliability of the instrument air system, improve the dependability of the power distribution system, and invest in a project to increase energy recovery within the plant. Valero expects these reliability upgrades to result in fewer upset emissions. An impact analysis by the Greater Houston Partnership estimates the net benefit for the City to be approximately \$26 million over the first ten years.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

[Signature]

**VALERO REFINING - TEXAS, L.P.
ENTERPRISE ZONE PROGRAM**

MAY 5, 2009

TABLE OF CONTENTS

- Enterprise Zone Program Summary
- Project Summary
- Qualified Business Site Summary
- Economic Benefit / Impact Analysis
- Project Location Map

VALERO REFINING - TEXAS, L.P.
ENTERPRISE ZONE PROGRAM SUMMARY

Program Objective

The Texas Enterprise Zone Program (EZ) is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state. To clearly identify distressed areas, an EZ is defined as any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau decennial census. No action needs to be taken to classify an area as an EZ. An area is automatically classified as such if it meets the criteria.

Participation

Local communities must declare their participation in the program and nominate a company as an Enterprise Project to be eligible to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium. Municipalities with a population of 250,000 or more are eligible for up to six enterprise project designations during a state biennium. The state accepts applications quarterly with deadlines on the first working day of March, June, September and December.

Benefits to Participation

Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the qualified business site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

In addition, local communities must offer incentives to participants under the enterprise zone program, such as tax abatement, tax increment financing and one-stop permitting.

Participation Requirements

Communities may nominate projects, for a designation period of not less than one year up to five years, non-inclusive of a 90-day window prior to the application deadline. Employment and capital investment commitments must be incurred and met within this timeframe. Projects may be physically located in or outside of an Enterprise Zone. If located within a zone, the company commits that at least 25% of their new employees will meet economically disadvantaged or enterprise zone residence requirements. If located outside of a zone, the company commits that at least 35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements. Under limited statutory provisions, an enterprise project designation may be granted for job retention.

**VALERO REFINING - TEXAS, L.P.
PROJECT SUMMARY**

PROJECT SUMMARY

Type of Project: Enterprise Zone Program

Company Name: The Valero Refining - Texas, L.P.

Primary Representative: Stephanie Rosales
Vice President, Corporate Tax
One Valero Place
San Antonio, Texas 78212-3186
210.345.5741

Local Business Representative: Fred Newhouse
Public Affairs Director
Valero Refining - Texas, L.P.
713-923-3391
fredrick.newhouse@valero.com

Primary Project Location: The Valero Refining - Texas, L.P.
9701 Manchester Street
Houston, Texas 77012
Harris County

Business Profile:

Valero Refining – Texas, L.P. (“Valero”) is a wholly owned, indirect subsidiary of Valero Energy Corporation. Valero Energy Corporation, headquartered in San Antonio, Texas, is incorporated in the State of Delaware. Valero Energy Corporation, traded on the New York Stock Exchange under the ticker symbol “VLO,” is a Fortune 500 company with approximately 22,000 employees and revenues of \$95 billion. Valero Energy Corporation has long been recognized throughout the industry as a leader in the production of premium, environmentally clean products, such as reformulated gasoline, California Air Resources Board (“CARB”) Phase II gasoline, low sulfur diesel and oxygenates. In combination with its interest in Valero L.P., traded on the New York Stock Exchange under the ticker symbol “VLI,” Valero Energy Corporation has crude oil pipelines as well as refined product terminals and crude oil storage facilities, which complement its refining and marketing assets in the U.S. Southwest and Mid-continent regions.

Valero currently owns and operates an integrated refinery in Houston, Texas. Valero acquired the substandard refinery when it purchased Basis Petroleum from Salomon Inc. in 1997. After an investment in excess of \$1 billion, Valero has reduced overall emissions by 80% at the refinery by adding a state of the art pollution control unit and replacing older, less efficient technology. The facility has a combined throughput capacity of about 140,000 BPD. There were three hundred (300) full time employees on January 20, 2009 at the Houston refinery. The Houston refinery is strategically located in the City of Houston on the Houston Ship Channel. This location provides deepwater access for off-loading certain feedstocks. In addition, the facility has access to major pipelines, including Colonial, TEPPCO, Magellan and Explorer for distribution of refined products to numerous markets.

Development/Project Profile:

SUMMARY

Valero Refining - Texas, L.P. application for a Texas Enterprise Application consists of a commitment of \$215.5 million in capital investment and the retention of 300 jobs over the next 5 years. Due to Enterprise Project designation, Valero commits to hiring twenty-five percent (25%) economically disadvantaged persons or enterprise zone residents for its new or replacement personnel at the refinery. The average annual salary of the positions Valero plans to retain is \$96,866.63.

DETAILS

Project characteristics include retained jobs and renovation of the Houston, Texas Refinery.

Job Retention:

Existing Jobs At All Texas Locations

City	Number of Jobs
Houston	300
Texas City	456
Corpus Christi	756
Total Jobs In Texas	1512

For the Enterprise Project designation, Valero would commit to retaining 300 full-time jobs with a total amount of annual payroll for the jobs of \$29,059,988.95. The average job wage level for the jobs retained by Valero is 181% higher than the area's average weekly wage (based on 2007 wages).

Capital Investment:

Projected Capital Investment

Subject	Investment Amount
Buildings	\$4,000,000
Other Construction Cost	\$170,000,000
Machinery & Equipment	\$40,000,000
Land	\$1,500,000
Total	\$215,500,000

Over the next five years, Valero anticipates spending approximately \$215 million to improve efficiencies at its Houston facility. Specifically, Valero plans to install an additional air compressor and associated drying equipment, instrumentation and piping to replace aging equipment and increase the reliability of the instrument air system. Also, Valero plans to install a new substation, redundant power feed cable, motor starters and power breakers needed to improve the reliability of the power distribution system for the tank farm and boiler areas. Valero plans to invest in a project to rebuild the FCC waste heat boiler to increase energy recovery and improve reliability of the unit flue gas heat recovery system. These reliability upgrades will result in fewer upset emissions.

Proposed Schedule/Timeline: Texas Enterprise Project Application is due June 1, 2009

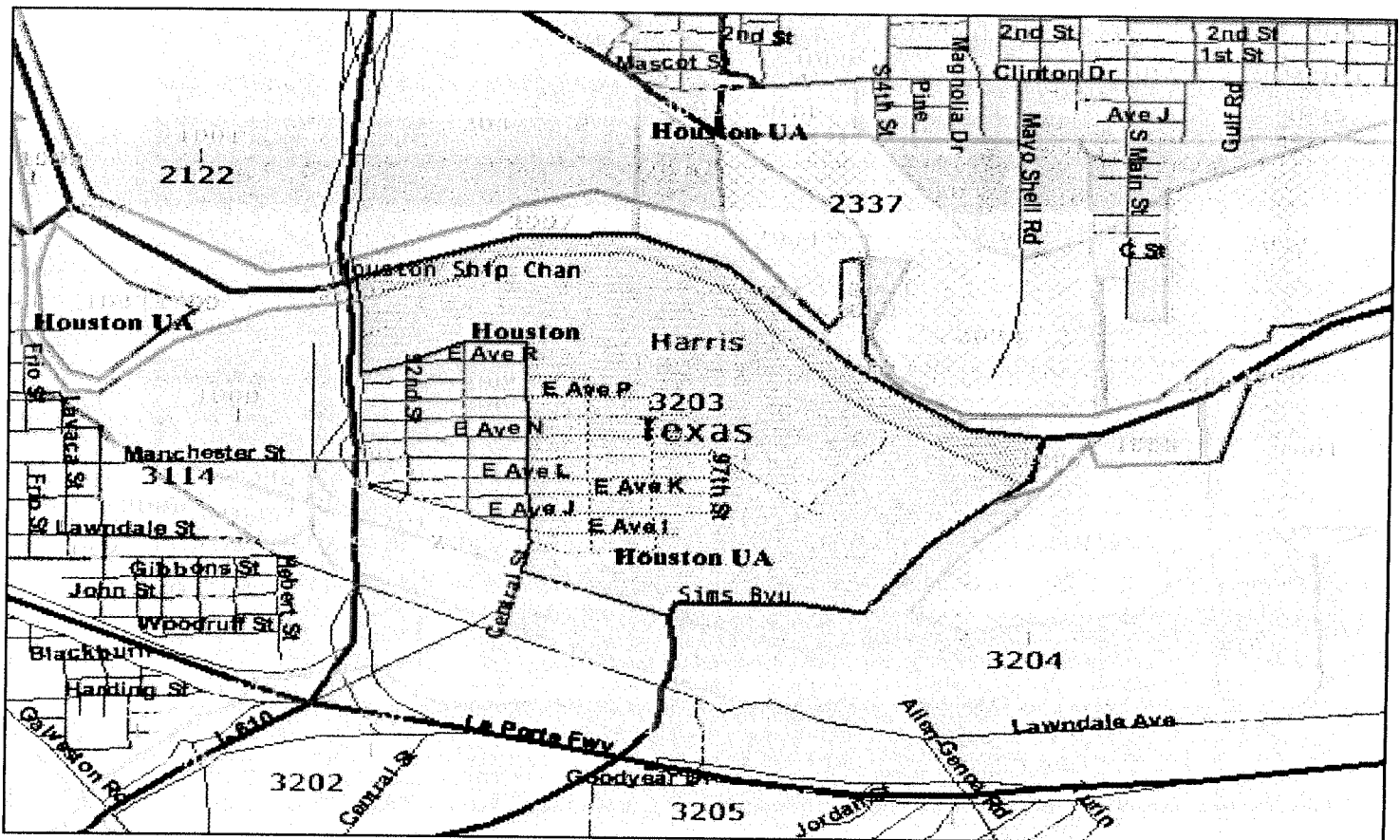
VALERO REFINING - TEXAS, L.P. QUALIFIED BUSINESS SITE SUMMARY

Demographics of Census Block Group

The qualified business site of 9701 Manchester Street is located in U.S. Census Tract 3203, Block Group 1 Harris County, Texas. The poverty rate of this area is 29.75%.

Demographics of Block Group 1

Subject	Number	Percent
Total Populations	985	
White	379	38.48%
Black/ African American	5	0.51%
American Indian, Asian, Other	601	61.02%
Number of Householders	192	
15 to 24 years	8	4.17%
25 to 34 years	46	23.96%
35 to 44 years	38	19.79%
45 to 54 years	42	21.88%
55 to 64 years	20	10.42%
65 years and over	38	19.79%
Poverty Rate	293	29.75%



VALERO COMMUNITY INVOLVEMENT

Community Involvement

Valero Energy Corporation's civic mission is to make a difference in the communities where the employees live and work. Community involvement from organized Valero Volunteer Councils to financial support of community organizations is an integral part of Valero Energy Corporation's corporate culture. Valero Volunteers have donated their time to mentoring students, organizing fund-raisers, participating in cleanup events, volunteering at youth centers and much more. In 2008, Valero contributed more than \$900,000 to the Houston community. Specifically, Valero donated \$432,000 to the United Way, \$90,000 to the YWCA, \$260,000 in Benefit for Children Charity grants and \$206,500 to other local organizations. In addition, Valero distributed \$323,000 to 13 Houston area children's charities in January 2009. Over the five year designation period, Valero fully expects to continue its current level of participation in supporting various civic activities and organizations. Valero has strong ties to the Houston business community and will continue to be an active participant, contributor, and corporate citizen in Houston.

RECOGNITION & AWARDS FOR DIVERSITY & INCLUSION

- Ranked No. 1 on Fortune magazine's listing of the nation's "Best Big Companies to Work For" for two consecutive years
- Named Downstream Business of the Year by the 2007 Platts Global Energy Awards.
- Ranked No. 1 among the world's refining and marketing companies in the 2006 and 2005 Platts Top 250 Global Energy Company Awards
- For the 9th year, Valero is ranked among the nation's best employers on Fortune magazine's listing of the "100 Best Companies to Work for."
- Named as one of the 2007 "10 Best Corporate Citizens" in the Energy industry by Corporate Responsibility Officer magazine
- Honored as Outstanding Employer in 2008 by Convenience Store/Petroleum magazine.
- Moved up to No. 43 on Fortune magazine's 2007 Global 500, a list of the world's top companies ranked by annual revenue.
- Named One of America's Best Manufacturing Companies by IndustryWeek magazine.
- Ranked on the list of the 2007 "BusinessWeek 50," which ranks the 50 best-performing companies on the S&P 500 based on sales and earnings growth, net profit margins, return on equity and total shareholder return.
- Named one of CNNMoney's Blue-Ribbon Companies for 2007 and 2005
- Named 2006 Convenience Store Chain of the Year by Convenience Store Decisions magazine, a widely read retail industry trade publication
- Ranked on Forbes 2006 Platinum 400 list of America's Best Big Companies. This is the sixth year that Forbes recognized Valero for its outstanding stock performance
- Consistently named to Hispanic Magazine's "Corporate 100" list, an honor which recognizes the top 100 companies across the country that have raised the bar when it comes to employing, working with and serving Hispanic Americans
- Added to the S&P 500 Index in 2004 for being the "best of the best" among all of the public companies in the U.S. and a leader in the refining industry
- Ranked No. 5 among Petroleum Refining companies on Fortune magazine's listing of America's Most Admired Companies and No. 7 in that same category of Fortune's Global Most Admired Companies

- Ranked 19th on Fortune magazine list of 100 Fastest-Growing Companies and listed among the Global 500
- Moved up to No. 15 from No. 22 on the Fortune 500 ranking for 2005
- Ranked No. 3 on Investor's Business Daily list of "Big Cap 20" based on earnings growth
- Ranked 4th on Forbes' 2004 list of America's fastest-growing big companies (based on revenue growth) and named one of America's Best-Managed Companies in Forbes Jan. 10 edition
- Received "2004 Spirit of America Award," the United Way's highest corporate honor given to one U.S. company each year (Valero is only the second company to have won this award twice)
- Only company out of the "100 Best Companies to Work for" to receive the 2004 Pride Award for the special pride among Valero employees
- Received United Way's "Texans Helping Texans" Award – 2003 (the United Way's Highest Statewide Award)

Safety/ Environmental Recognition

- Earned Star Site status in OSHA's Voluntary Protection Program for 10 of its refineries. As of September 2006, only 23 out of the 149 U.S. refineries have earned this prestigious designation, and Valero owns nearly half of those VPP sites
- In 2006 and 2007, the CSX, Burlington Northern Santa Fe, Norfolk Southern, Union Pacific and Canadian National railroads honored Valero for its exemplary safety record in the shipment of materials. Valero leases 4,300 rail cars to transport materials
- Awarded the Environmental Excellence Award at the 2004 Global Energy and Environmental Excellence Awards Ceremony
- Honored by World Refining Magazine as the U.S. Refiner of the Year – 2001
- One of the only U.S. refiners to receive an Environmental Achievement Award at America's Clean Air Celebration – 2000
- Awarded the Environmental Leadership Award, one of the most prestigious national awards in the industry, by Hart's "Fuel Technology and Management" magazine – 1995
- Earned membership in the Clean Industries Texas 2000 environmental program in which industrial plants were asked to reduce their emissions by 50 percent between 1995 and 2000 – a goal Valero met well ahead of schedule
- First petroleum refiner ever to win the "Governor's Award for Environmental Excellence," Texas' highest environmental honor – 1995

VALERO REFINING - TEXAS, L.P. **ECONOMIC BENEFIT/IMPACT ANALYSIS**

The following executive summary is from A Report of the Economic Impact of Valero Refining - Texas, L.P. in Houston, Texas, commissioned by the Greater Houston Partnership and conducted by Impact DataSource.

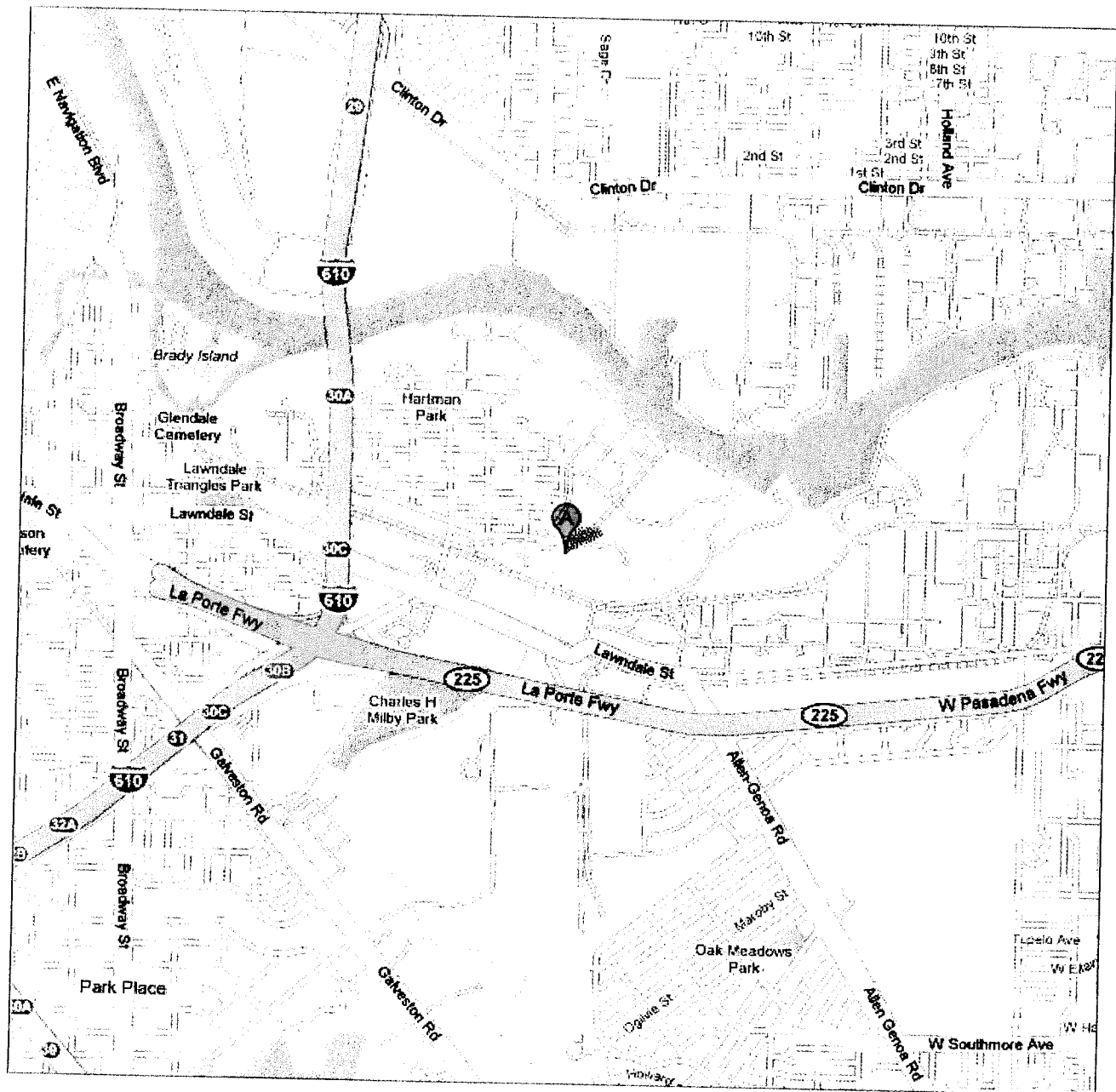
This analysis was created on the assumption of the retained employment and production at the Houston facility. Obviously, a drop in employment and production would have a negative impact on the significant contributions Anheuser-Busch is making to not only the City of Houston, but the entire region. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

Net Benefits for Local Taxing Districts Over the First Ten Years

The net benefits (the extent to which revenues exceed costs) over the first ten years for the city, county, school district and special taxing districts in which the new or expanded firm is or will be located are shown below.

Net Benefits for Local Taxing Districts Over the First Ten Years				
		Benefits	Costs	Net Benefits
City:	Houston	\$71,414,572	\$45,213,672	\$26,200,900
County	Harris	\$25,876,908	\$3,245,497	\$22,631,410
School district:	HISD	\$129,957,730	\$110,193,703	\$19,764,027
STD 1:	Harris County Flood Control	\$1,896,348	\$0	\$1,896,348
STD 2:	Port of Houston Authority	\$1,089,509	\$0	\$1,089,509
STD 3:	Harris County Hospital District	\$11,808,237	\$0	\$11,808,237
STD 4:	Harris County Department of Education	\$358,868	\$0	\$358,868
STD 5:	Houston Community College	\$5,679,826	\$0	\$5,679,826
STD 6:	Metropolitan Transit Authority	\$5,401,253	\$0	\$5,401,253
Total		\$253,483,251	\$158,652,872	\$94,830,379

**VALERO REFINING - TEXAS, L.P.
PROJECT LOCATION MAP**



REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**Subject:** A Resolution providing for a Public Hearing on the FY2010 Proposed Operating Budget.**Category #**

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Agenda Item

16

FROM (Department or other point of origin):Michelle Mitchell, Director
Finance Department**Origination Date:**

5/4/09

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

Michelle Mitchell

Council District(s) affected:

All

For additional information contact: Michelle Mitchell
Phone: (713) 221-0935**Date and Identification of prior authorizing Council Action:****RECOMMENDATION: (Summary)**

City Council call a public hearing on the Proposed FY2010 Operating Budget for June 9, 2009 and authorize the City Secretary to publish notice.

Amount of Funding:

N/A

F&A Budget:**SOURCE OF FUNDING:**☐ General Fund☐ Grant Fund☐ Enterprise Fund☐ Other (Specify)

N/A

SPECIFIC EXPLANATION:

In order to allow for public input and in accordance with the state statute governing municipal budgets (Chapter 102, Section 102.006), a public hearing is required on the proposed FY2010 Operating Budget. The hearing will be held at 1:30 p.m. on June 9, 2009 in the City Council Chambers. Following the public hearing, City Council will consider the adoption of the FY2010 Operating Budget on June 10, 2009.

c: Marty Stein, Mayor's Office
Arturo Michel, City Attorney

REQUIRED AUTHORIZATION**F&A Director:****Other Authorization:****Other Authorization:**

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance amending Article III of Chapter 5 of the Houston Code of Ordinances relating to Dance Hall permits

Category #

Page 1 of 2

Agenda Item#

17

FROM: (Department or other point of origin):

Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs Department

Origination Date

May 1, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

[Signature]

Council Districts affected:

All

For additional information contact:

Tina Paez
Alyssa Cervantes

Phone: (713) 837-9630
Phone: (713) 837-9533

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an Ordinance amending Article III of Chapter 5 of the Houston Code of Ordinances relating to Dance Hall permits

Amount of Funding: N/A

FIN Budget:

SOURCE OF FUNDING:

☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)

SPECIFIC EXPLANATION:

The Director of the Administration and Regulatory Affairs (ARA) Department seeks Council's approval of an ordinance which would amend Article III of Chapter 5 of the Houston Code of Ordinances, relating to Dance Hall permits.

As part of the One-Stop Permitting Initiative, and to facilitate the application and permitting process, ARA reviewed all regulatory language associated with our commercial and vehicle-for-hire permits to determine whether the permits are still applicable and necessary, and whether the Code provisions governing those permits are onerous, outdated, or in any way redundant. We also reviewed our internal business processes to ensure our internal regulatory and enforcement compliance with the ordinance provisions.

Proposed Permit Consolidation

Chapter 5 of the Code of Ordinances provides for the regulation of bungee cord jumping, carnivals, dance halls, golf courses/driving ranges/archery ranges, skeet clubs/shooting galleries, and game rooms. ARA's Commercial Permitting Section issues permits under this chapter for carnivals, dance halls and game rooms.

In this chapter, ARA determined that the distinctions in dance hall permit classes were vague and confusing to permit applicants. There are currently five classes of dance hall permits, A – E. Each classification differs in the type of dance hall for which the permit is being issued, as follows:

Class A: cabarets and night clubs; no minors allowed; fee is \$550 per year, or \$275 per year if the dance hall operates for less than two nights per week.

Class B: miscellaneous dance halls, i.e. those dance halls that do not fall into any other Class; no minors allowed; fee is \$250 per year, or \$125 per year if the dance hall operates for less than three nights per week.

Class C: dance schools; fee is \$10 per year, unless the dance hall is used for private or public dances in addition to the dance school. In those instances, the fee is \$30 per year.

Class D: dance halls rented or operated by clubs; fee is \$10 per year, unless the dance hall is rented to other operators for holding public or private dances. In those instances, the fee is \$30 per year.

Class E: teenage dance halls; fee is \$120 per year, or \$60 per year if the dance hall operates for less than three nights per week.

REQUIRED AUTHORIZATION

FIN Director:

Date: April 28, 2009	SUBJECT: Ordinance amending Article III of Chapter 5 of the Houston Code of Ordinances relating to Dance Hall permits	Originator's Initials ADC	Page 2 of 2
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Proposed Revisions to Chapter 5

Rather than allow for a confusing separation of classes, we discussed the health and public safety rationale for the various classes with the Houston Police Department, the Houston Fire Department and the Health and Human Services Department – the three departments in addition to ARA that are charged with enforcing various aspects of this Chapter. Based on those discussions related to health and safety and the legislative intent behind the distinctions, we are able to recommend several consolidations.

In the Code of Ordinances, Class A and Class B will become one dance hall class: Class A. Similarly, Classes C and D will be consolidated into a single Class B. Teenage dance halls will become the new Class C. Classes D and E, as they are currently titled in the Code of Ordinances, would be repealed in their entirety. **All requirements that currently exist for these permits in the Code of Ordinances will continue to exist and will be enforced.**

In addition, the following “housekeeping” amendments are proposed:

- Amend §5-46 to expand the definition of *cabarets or nightclubs* to apply to dancing locations where alcoholic beverages are served or consumed on the premises.
- Amend § 5-49 by deleting the requirement that dictates a dance floor area of at least 100 square feet. Although the previous section mandates all dance halls be constructed in compliance with the Construction and Fire Codes, the arbitrary (and therefore unenforced) requirement is not listed in either Code. HPD, HFD and Health have confirmed the lack of health or public safety concerns surrounding the dance floor size and known relationship between the size of the dance floor and the size of the facility.

Additionally amend §5-49 by describing the Construction and Fire Code’s requirement for the visible designation of dance floors as applying to any elevated dance floor, and insert a provision requiring the identification of the dance area by paint or tape.

- Amend § 5-74 by replacing *tax assessor-collector* with Director of Administration and Regulatory Affairs. Prior to the division of the Finance & Administration Department, the recipient of permit applications for dance halls was the F&A Director or tax assessor-collector. Subsequent to the separation of the entities, most Code provisions were changed appropriately and this appears to be an oversight. As the Commercial Permitting Section remained in the ARA department and is the recipient of permit applications, the Director of the Administration and Regulatory Affairs Department is the appropriate entity to reference in this Code provision.
- Amend § 5-75 to coincide with the updated sections of Chapter 5 which considered the societal increase of the availability of alcoholic beverages at dancing establishments. In 1968 (the year this section was inserted into the Code), serving alcoholic beverages in facilities where dancing was allowed was discouraged and prohibited for establishments which generated 51 percent or more of their income from the sale of alcoholic beverages. Since then, the preemptive Alcoholic Beverage Code was amended to allow the operation of dancing establishments which generate the majority of their revenue from the sale of alcoholic beverages.

For the above-referenced reasons, the Administration and Regulatory Affairs Department, therefore, recommends City Council’s approval of the proposed amendments to Article III in Chapter 5 of the Houston Code of Ordinances.

This item was presented to the Budget and Fiscal Affairs Committee on May 5, 2009, and was recommended for full Council approval.

AJM: adc

cc: Marty Stein
Arturo Michel



City of Houston

Administration & Regulatory Affairs Department

Executive Summary – ARA Permit Review: Code of Ordinances Chapter 5

May 5, 2009

I. One-Stop Permitting Overview

The City of Houston issues over 435,000 permits each year, collecting more than \$50 million in fees on over 260 distinct types of permits. Permit administration is spread across 10 City departments, although 76 percent of the permits are issued by three departments: Public Works & Engineering (34 percent), Administration & Regulatory Affairs (25 percent) and Health & Human Services (17 percent).

With 10 departments issuing permits, the process is often confusing and time-consuming for the average citizen applying for a specific permit. As such, the Administration and Regulatory Affairs Department (ARA) has been tasked with driving a One-Stop Permitting Initiative for the City of Houston. To execute this vision, ARA is implementing a nine-step process:

- Step 1: Develop a one-stop permitting vision statement
- Step 2: Choose a software platform for ARA Commercial Permits to allow for better permit and inspection tracking.
- Step 3: Develop an inventory of all City permits
- Step 4: Task one individual in the City to be responsible for oversight of the initiative
- Step 5: Reorganize ARA's own permitting process first to streamline permit issuance and enforcement and employ best practices
- Step 6: Implement online permitting for ARA's permits first, and then deploy it citywide.
- Step 7: Evaluate all Code of Ordinance Provisions governing the 260 permit types for current applicability, consideration for consolidation or even repeal based on the current regulatory climate and present-day concerns. Employ a phased approach beginning with ARA Regulatory Permits.
- Step 8: Partner with the Public Works & Engineering Department to create a physical facility that will become the Houston Permitting Center
- Step 9: Work with the Public Works & Engineering Department to determine whether a one-stop or two-stop model is most feasible

Steps one through six have been completed. **Step seven** requires an exhaustive review of all the permit provisions in the Code of Ordinances. We are approaching this analysis systematically, reviewing permit provisions on a department-by-department basis, in multiple phases:

- **Phase One:** Evaluation of all ARA regulatory permits with recommended consolidations and repeals of permits, as appropriate, based on the present-day regulatory climate, the actual business processes currently in place, and best practices for each specific type of permitted activity.



- **Phase Two:** Evaluation of all other City permits, by department, with recommendations for consolidations and repeals of permits, as appropriate, based on the present-day regulatory climate, the actual business processes currently in place, and best practices for each specific type of permitted activity.
- **Phase Three:** Permit Fee Analysis for all ARA permits, and other City permits, if appropriate.

II. Step 7 - Phase One – ARA Permits

ARA administers approximately 50 types of commercial permits/licenses, 6 types of vehicle-for-hire permits and two types of burglar/panic alarm permits. ARA is responsible for processing over 40,000 commercial and vehicle-for-hire permits per year yielding approximately \$3.6 million in general fund revenues annually. ARA also manages over 96,000 burglar and panic alarm permits annually, generating over \$5 million in revenue to the Police Special Services Fund.

Given the volume of permit types in ARA alone, in selecting candidates for potential consolidation or repeal we focused first on the permits that seemed redundant or appeared to have arbitrary distinctions between similar permit types. We deliberately excluded from this first review any permits that are the subject of current or pending litigation, permits based on ordinance provisions that have been amended in the very recent past, and alcohol-related licenses. After an exhaustive review, we concluded that many of our commercial permits would require consolidation, and one transportation permit that had become obsolete required repeal, to better reflect an improved business process.

The ARA Department, therefore, recommends City Council's approval of the consolidation and/or repeal of the permits and/or language in Code proposed herein.

III. ARA Permits Recommended for Consolidation or Repeal

CHAPTER 5 -Amusements

Chapter 5 of the Code of Ordinances provides for the regulation of bungee cord jumping, carnivals, dance halls, golf courses/driving ranges/archery ranges, skeet clubs/shooting galleries, and game rooms. ARA's Commercial Permitting Section issues permits under this chapter for carnivals, dance halls and game rooms.

Carnival and game room permits are excluded from our initial consolidation/repeal recommendations. We will propose amendments to these provisions at a later date, in conjunction with other City departments involved in their regulation or enforcement. Instead, we will focus on what we believe are the redundancies in this chapter, specifically, *dance hall permits*.

There are currently five classes of dance hall permits, A – E. Each classification differs in the type of dance hall for which the permit is being issued, as follows:

Class A: cabarets and night clubs; no minors allowed; fee is \$550 per year, or \$275 per year if the dance hall operates for less than two nights per week.

Class B: miscellaneous dance halls, i.e. those dance halls that do not fall into any other Class; no minors allowed; fee is \$250 per year, or \$125 per year if the dance hall operates for less than three nights per week.

Class C: dance schools; fee is \$10 per year, unless the dance hall is used for private or public dances in addition to the dance school. In those instances, the fee is \$30 per year.

Class D: dance halls rented or operated by clubs; fee is \$10 per year, unless the dance hall is rented to other operators for holding public or private dances. In those instances, the fee is \$30 per year.

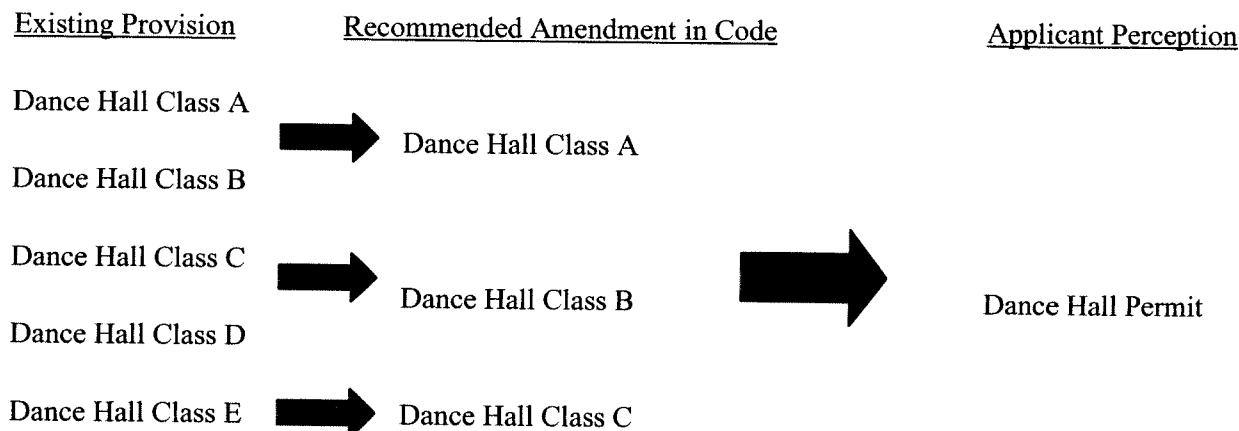
Class E: teenage dance halls; fee is \$120 per year, or \$60 per year if the dance hall operates for less than three nights per week.

In reviewing the criteria for each permit class, we discovered the distinctions between some classes were so vague as to be more confusing than relevant. For other classes, the only distinction was the size of the dance floor. Rather than allow for a confusing separation of classes, we discussed the health and public safety rationale for the various classes with the Houston Police Department, the Houston Fire Department and the Health and Human Services Department – the three departments in addition to ARA that are charged with enforcing various aspects of this Chapter. Based on those discussions related to health and safety and the legislative intent behind the distinctions, we are able to recommend several consolidations.

In the Code of Ordinances, Class A and Class B will become one dance hall class: Class A. Similarly, Classes C and D will be consolidated into a single Class B. Teenage dance halls will become the new Class C. Classes D and E, as they are currently titled in the Code of Ordinances, would be repealed in their entirety.

For that part of the business process that is used by and visible to the public, all classes will be consolidated into and treated as a single Dance Hall Permit, i.e. the class distinctions will be transparent to the public. This will be accomplished by the use of a single application for a dance hall permit, rather than multiple applications for the different classes of dance hall permits. We believe this will eliminate much of the confusion and guesswork applicants currently face when they attempt to determine for which class of dance permit they are applying. Instead, based on the information provided by the applicant on the single dance hall application, Commercial Permitting staff will determine the appropriate class and will advise the applicant of the applicable fee and regulations. Detailed information regarding the permit regulations will be provided to each applicant upon receipt of the permit. The issued permit will display the appropriate dance hall permit class. **All requirements that currently exist for these permits in the business process and in the Code of Ordinances will continue to exist and will be enforced.**

The recommended changes are depicted in the diagram below.



Other Amendments to Chapter 5

The Code of Ordinances acknowledges that dance halls often provide patrons the opportunity to purchase or consume alcoholic beverages on-site. The Code specifically includes the phrase *alcoholic beverage* in its definition of cabarets or nightclubs. In order to provide a more comprehensive definition for these types of dance halls and to ensure the operators' understanding and adherence to regulations that relate to their facilities, a minor amendment to the definition of cabarets or nightclubs is recommended as follows:

Cabaret or nightclub shall mean any room, space, structure, building or resort open to the public, enclosed or unenclosed, where food or beer or wine, or other alcoholic beverage is served or consumed on the premises, including restaurants and cafes, and where patrons are provided with a space for dancing, or are permitted to dance.

Further, although several revisions have been made to this Chapter since its original implementation in the Code in 1968, Section 5-75 ("Not to issue for certain beer and wine establishments") was never updated to correspond to the remainder of the Chapter's consideration for the societal increase of the availability of alcoholic beverages at dancing establishments. The Code dictates that no dance hall license be issued for any establishment that generates 51 percent or more of its income from the sale of alcoholic beverages. In 1968, the serving of alcoholic beverages was discouraged in facilities where dancing was allowed. Today, it is a rarity for dancing establishments to exist without allowing the purchase or consumption of alcohol on premises. In addition, since 1968, the state's Alcoholic Beverage Code has been amended to add a preemptive provision that allows dancing establishments to operate even though they may generate the majority of their revenue from the sale of alcoholic beverages. An opinion offered by the City's Legal Department concluded that the inconsistency created by the lack of the Code's correspondence to (preemptive) state law might not withstand judicial scrutiny. We therefore recommend Section 5-75 be repealed.

In Section 5-74, the Code of Ordinances provides that the official recipient of dance hall permit applications is the tax-assessor-collector. Prior to the division of the Finance & Administration Department into two separate City departments, the recipient of permit applications for dance halls was the F&A Director or tax assessor-collector – two titles used interchangeably. Subsequent to the separation of the entities, most Code provisions were changed appropriately and Section 5-74 appears to contain an oversight. As the Commercial Permitting Section remained in the ARA department and is the recipient of permit applications, the Director of the Administration and Regulatory Affairs Department is the appropriate entity to reference in this Code provision. We recommend this section of the Code of Ordinances be updated to reflect the change of directorship due to the creation of the new ARA department.

Finally, Section 5-48 mandates all dance halls be constructed in compliance with the Construction and Fire Codes. The following section however, Section 5-49, offers an arbitrary regulation that is not listed in either Code: "...dance hall shall have a designated dance floor area of at least 100 square feet." As stated previously, we reviewed the dance hall ordinance provisions with professionals from the City's Fire, Police and Health Departments. These experts confirmed that the 100-foot regulation is not currently enforced, and there are no health or public safety concerns surrounding dance floor size, and no known relationship between the size of the dance floor and the size of the facility. Accordingly, we are recommending this distinction in Section 5-49 be deleted.

Additionally, the Construction and Fire Codes call for the visible designation of dance floors. Therefore, we recommend that Chapter 5 be amended to include the following, “Any elevated dance floor area herein required shall be designated by a two-inch band of paint or tape upon the floor or other marking.”

IV. Recommendation

The Administration and Regulatory Affairs Department respectfully requests City Council’s approval of the recommended consolidations and repeals of certain provisions detailed herein.

Respectfully Submitted,



Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

cc: Michael Moore
Marty Stein
Tina Paez
Alyssa Cervantes

AJM: adc

Chapter 5 AMUSEMENTS

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ARTICLE III. DANCE HALLS

DIVISION 1. GENERALLY

Sec. 5-46. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage shall mean alcohol and any beverage containing more than one-half of one percent of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

Beer shall mean a malt beverage containing one-half of one percent or more of alcohol by volume and not more than four percent of alcohol by weight, and shall not be inclusive of any beverage designated by label or otherwise by any other name than beer.

Cabaret or nightclub shall mean any room, space, structure, building or resort open to the public, enclosed or unenclosed, where food or beer or wine, or other alcoholic beverage is served or consumed on the premises, including restaurants and cafes, and where patrons are provided with a space for dancing, or are permitted to dance.

Club shall mean any bona fide nonprofit society, association of persons or corporation, organized for civic, fraternal, social or charitable purposes, or any purpose not a business or commercial purpose, which owns, rents or operates a place or building for the accommodation of its members when such place or premises or any part thereof is used for dancing by members of the club, or is rented to others for such purpose.

Dancing school shall mean any room, place, space, building or academy in which classes in dancing are held and instruction in dancing is given for hire.

Licensee means any holder of a license provided for in this article, whether acting as principal, agent, or employee.

Minor shall mean a person under the age of 18 years whose disabilities as a minor have not been removed by a court of competent jurisdiction.

Operator or dance hall operator shall mean the person who conducts, manages, maintains or controls, either directly or indirectly, any dance hall as defined and designated in this article.

Private dance shall mean and include any dance given at any home or any dance given or held by a club, admission to which is granted to members and their invited guests and from which the general public is excluded.

Public dance or public ball shall mean any dance or ball to which admission can be had by payment of a fee, or by the purchase, possession or presentation of a ticket or token, or in which a charge is made for caring for clothing, or any other dance to which the public generally may gain admission with the payment of a fee directly or indirectly, or without payment of a fee.

Public dance hall shall mean any room, place, space or building where a public dance is held or conducted.

Teenage dance hall shall mean any room, place, space or building where a public dance is held or conducted exclusively for persons under the legal age established by state law for purchase and consumption of alcoholic beverages and where the sale, consumption or possession of beer, wine, or other alcoholic beverages are prohibited.

Wine shall mean the product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, or berries.

Sec. 5-47. Classification.

Dance halls are hereby designated and rated by the following classes:

- (1) ~~Class A. Cabarets and, night clubs are designated, and rated as Class A dance halls.~~
- ~~(2) Class B. All all dance halls under the terms of this article not otherwise specifically classified are designated and rated as ~~Dancing schools are designated and rated as~~ Class CA dance halls.~~
- ~~(3) Class C. Dancing schools are designated and rated as Class C dance halls.~~
- (42) ~~Class DB. Places~~ Dancing schools or places or buildings owned, rented or operated by clubs and used for dancing by members of the club or rented to others for such purpose are hereby designated as Class DB dance halls.
- (53) ~~Class CE. Teenage dance halls are hereby designated and rated as Class EC dance halls.~~

Sec. 5-48. Compliance with Construction Code and Fire Code.

(a) All dance halls shall be constructed and maintained in conformity with the Construction Code and the Fire Code, except as otherwise provided in subsection (b) of this section.

(b) A dance hall that is situated in any building located in an area heretofore or hereafter annexed to the city and was originally constructed in compliance with the laws applicable in the area prior to its annexation may be operated even though the floor space therein exceeds the maximum area specified in the Building Code, provided the dance hall meets all of the otherwise applicable standards and requirements specified in the Construction Code that relate to stairs, exits, and occupant loads and all applicable provisions of the Fire Code.

(c) For the purpose of the enforcement of this section, any inspector designated by the director of administration and regulatory affairs tax assessor-collector shall be deemed a deputy of the fire marshal and any of the powers and duties herein given to the fire marshal may be exercised by any such inspector on behalf of the fire marshal.

Sec. 5-49. ~~Minimum dancing space for Class A halls~~ Marking requirement for dance floor.

~~(a) Every Class A dance hall shall have a designated dance floor area of at least 100 square feet.~~

~~(b) The~~ Any elevated dance floor area herein required shall be designated by a two-inch band of paint or tape upon the floor or other permanent marking upon the floor.

Sec. 5-50. Reserved.

Sec. 5-51. Minors in Class A ~~and B~~ halls.

(a) It shall be unlawful for any minor to enter or be in attendance in a Class A ~~or Class B~~ dance hall between the hours of 8:00 p.m. and 8:00 a.m., unless the minor is in the visible presence of the minor's parent, spouse or legally appointed guardian who is 18 years of age or older.

(b) It shall be unlawful for the licensee or operator of a Class A ~~or Class B~~ dance hall to suffer, allow or permit a minor to enter or be in attendance in the dance hall between the hours of 8:00 p.m. and 8:00 a.m., unless the minor is in the visible presence of the minor's parent, spouse or legally appointed guardian who is 18 years of age or older.

(c) It shall be unlawful for any person who is not the parent, spouse or legally appointed guardian of a minor to represent himself as the parent, spouse or legally appointed guardian of the minor for the purpose of enabling the minor to enter or to be in attendance in a Class A ~~or Class B~~ dance hall.

Sec. 5-52. Suffering or permitting illegal conduct.

It shall be unlawful for the operator of a public dance hall to permit or suffer any activity or conduct therein that is illegal, including without limitation, public intoxication, prostitution, promotion of prostitution, gambling, obscenity, disorderly conduct, or consumption of alcohol in a public place during hours prohibited by state law.

Sec. 5-53. Sleeping rooms prohibited.

No dance hall shall have in any way connected with it any room or rooms equipped or fitted in any way as sleeping rooms which are open to or let to the patrons of such dance hall, or to the public, with or without a charge being made therefor, except hotels having more than 100 rooms, and except rooms used as living quarters for employees and club members only.

Sec. 5-54. Toilet facilities.

Each dance hall shall be supplied with separate and convenient toilet facilities for each sex.

Sec. 5-55. Employees not to mingle with patrons.

Waiters, waitresses or entertainers shall not be permitted to eat, drink, dance or mingle with patrons in any dance hall.

Sec. 5-56. Special regulations for teenage halls.

(a) In addition to the other provisions of this article, a teenage dance hall shall be governed by the provisions of this section.

(b) Teenage dance halls shall not remain open or operate between the hours of 12:00 midnight and 12:00 noon; provided, however, on the thirty-first day of December of each year, such dance halls may remain open and operate until 1:00 a.m. of the following day.

(c) On nights preceding a regular school attendance day no person under the age of 17 years shall be permitted to dance after 8:00 p.m. unless such person is accompanied by a parent or legal guardian. On nights preceding a school holiday or during school vacation periods, no person under the age of 15 years shall be permitted to dance after 8:00 p.m. unless accompanied by a parent or legal guardian. It shall be unlawful for any person who is not the parent or legal guardian of a minor to represent himself as the parent or legal guardian of such minor person for the purpose of enabling the minor to gain admission into a teenage dance hall. For purposes of this subsection, school attendance days and holidays shall be determined on the basis of the regular classroom attendance schedule for the public school district in which the dance hall is located.

(d) It shall be the duty of the operator or licensee of a teenage dance hall to ascertain the correct legal age of all persons seeking admission to such facility, and such persons who do not meet the age requirements of this article shall be excluded from admission. All persons over the age of 20 years shall be refused admission to a teenage dance hall; provided however, a parent or legal guardian accompanying a minor shall be permitted admission to a teenage dance hall.

(e) The sale, consumption or possession, on the premises, of beer, wine, or other alcoholic beverages shall be prohibited, and no one shall be admitted to a teenage dance hall who is under the influence of intoxicating beverages or shows any evidence thereof.

(f) Patrons shall be admitted to a teenage dance hall only once in a twelve-hour period and shall not be granted readmission privileges under any circumstances or conditions.

(g) The operator or licensee shall employ not less than two security officers for each 100 persons in attendance to patrol the premises of a teenage dance hall and adjoining areas and to prevent disorder.

Sec. 5-57. Entry powers of city officials.

Free access and entrance into all dance halls shall at all times be accorded and granted to police and fire officers and dance hall supervisors of the city and to all other peace officers and probation officers, when on official duty and while enforcing laws and ordinances.

Sec. 5-58. Compliance with article.

The operator of any dance hall shall not permit the violation of any of the terms of this article and it shall be the duty of any officer and supervisor on duty at such dance hall to require compliance with the terms of this article.

Sec. 5-59. Exemptions.

The provisions of this article shall not apply to any of the following:

- (1) Private dances ~~given at private homes.~~
- (2) Dances or balls held in the city auditorium or coliseum.
- (3) Dances for school children held in the auditorium or gymnasium of any public school under the supervision of the school authorities.

Secs. 5-60--5-70. Reserved.

DIVISION 2. LICENSE

Sec. 5-71. Required.

(a) It shall be unlawful to hold or conduct any public dance, teenage dance, or public ball, or any dancing school within the limits of the city, unless and until the dance hall in which the same is to be held has been licensed for such purposes in the manner provided for in this division; provided, however, this section shall not apply where instruction is given to members of a family in their own home.

(b) It shall be unlawful for any person to dance at any dance hall required to be licensed hereunder unless such place has the license as provided for herein. The owner, proprietor or manager or person in charge of such dance hall without a license who permits any person to dance therein shall be guilty of a misdemeanor.

Sec. 5-72. Application.

(a) Any person desiring a license to operate a dance hall shall file with the department of administration and regulatory affairs a written, sworn application for such license on a form prescribed and furnished by the department of administration and regulatory affairs for such purpose. Such application shall state:

- (1) The location, by street and number, of the place, space or building and room or floor, and the size of such room or space, which is proposed to be used for such purposes, and the name and address of the applicant.
- (2) If the applicant is an individual, that he is a law abiding citizen of the state, and that he has been a resident of the city for more than one year next preceding the date of the application.
- (3) If the applicant is a firm, association or partnership, all of the information prescribed in ~~paragraph item~~ (2) above shall be given as to each individual composing the firm, association or partnership.
- (4) If a corporation, that the applicant is organized and chartered under the corporation laws of this state applicable to such corporation, or if a foreign corporation, that such corporation has complied with the laws of this state applicable to such corporation and, with reference to the operator or person in charge of the operation of the dance hall desired to be licensed, the same information as is prescribed in ~~paragraph item~~ (2) above; and in addition thereto, a statement as to the names and addresses of the officers of such corporation.
- (5) If the applicant is an unincorporated club, the application must be made in the name of such club by the president or chairman of such club, who shall furnish all of the information prescribed in ~~paragraph item~~ (2) above and, in addition thereto, a statement as to the names and addresses of the officers of such club.

- (6) Previous occupation or employment of the applicant for a period of five years next preceding the filing of his application.
 - (7) If the application is for a license to operate a dancing school, ~~or under the Class C dance hall B permit~~, such application shall give the name and address of each person who is to instruct in such school.
 - (8) Whether a hotel, rooming house or lodging house is conducted in any part of the premises for which a license is sought, and if so, the number of rooms contained in such hotel, rooming house, or lodging house; provided, however that nothing in this article shall prevent the issuance of a license to any public dance hall in a hotel having more than 100 rooms.
 - (9) Such other and additional information as may be reasonably requested by the department of administration and regulatory affairs for the review and processing of the application.
- (b) The information given in such application is for the purpose of determining whether or not the applicant is a fit and proper person to operate a dance hall.

Sec. 5-73. Inspection of premises and approval of application by health officer, fire marshal and building official.

No license shall be granted under this division unless it shall appear, upon investigation by or under the direction of the health officer, the fire marshal and the building official, that the premises desired to be used for the purpose of conducting a dance hall complies with the laws of this state and the ordinances of the city regulating health and sanitation, fire regulations and the Construction Code. Such officers shall, in their respective capacities, note their approval or disapproval upon the application.

Sec. 5-74. Investigation and approval of application by chief of police.

No license shall be issued under this article unless the application therefor has been approved by the chief of police. The chief of police shall not approve an application for a license and no license shall be granted under this article if:

- (1) Any statement made in the application was incomplete or false.
- (2) The premises which are proposed to be used for a dance hall have been openly frequented by known prostitutes, persons promoting prostitution, or persons selling or distributing substances in violation of the Texas Controlled Substances Act during any period within two years immediately preceding the submission of the application to the director of administration and regulatory affairs tax assessor-collector or prior to the issuance of the license.

- (3) Any person required to be listed on the application has had a license revoked under this article within five years immediately preceding the submission of the application to the director of administration and regulatory affairs. tax assessor-collector.

Sec. 5-75. Reserved. ~~Not to issue for certain beer and wine establishments.~~

~~No license shall be issued under this division to any person for a place where 51 percent or more, of the income of such place or establishment is from the sale of beer or wine or other alcoholic beverages.~~

Sec. 5-76. Taxi dancing with minors prohibited.

(a) It shall be unlawful for any licensee or operator of a public dance hall to suffer or permit a minor to engage in the activities commonly known as "taxi dancing," "dollar dancing" or "pony dancing," or the like, wherein any person accepts, agrees to accept or solicits any cash, benefit or other thing of monetary value for the privilege of dancing with a minor.

(b) It shall be unlawful for any person to offer, confer or agree to confer any cash, benefit or other thing of monetary value to any person for the privilege of dancing with a minor.

(c) It shall be unlawful for the minor or any other person to solicit, accept or agree to accept any cash, benefit or other thing of monetary value from any person for the privilege of dancing with a minor.

(d) The provisions of this section shall apply without regard to whether: (1) the minor is an employee, agent or contractor of the public dance hall or is merely present in the public dance hall; (2) the cash, benefit or other thing of monetary value is solicited or accepted by the licensee or operator, the minor or any other person; and (3) the cash, benefit or other thing of monetary value is solicited or accepted exclusively for the dancing privilege or for food, beverage or other services or merchandise with which the dancing privilege is also provided.

(e) The license applicant's agreement to comply with this section shall constitute a condition of the issuance or renewal of a license under this article, and a statement reflecting this requirement shall be included on the application form.

Sec. 5-77. Fees.

(a) The following fees shall be charged for each license issued under the terms of this division:

- (1) *Class A.* For a Class A dance hall, the license fee shall be \$550.00 per annum.

(2) *Class A, one night per week.* For a Class A dance hall, where such dance hall operates less than two nights per week, the license fee shall be \$275.00 per annum.

~~(3) *Class B.* For a Class B dance hall, the license fee shall be \$250.00 per annum; provided, however, where such dance hall is not operated more than three nights per week, the license fee shall be \$125.00 per annum.~~

~~(4) *Class C.* For a Class C dance hall, the license fee shall be \$10.00; provided, however, whenever any Class C dance hall shall be used for the holding of public or private dances in addition to the classes and instruction in dancing, the fee shall be \$30.00 per annum.~~

(53) *Class DB.* For a Class DB dance hall, the license fee shall be \$10.00; provided, however, whenever any Class DB dance hall shall be used or rented to other operators for the holding of a public or private dance, dances in addition to the license classes and instruction in dancing, the fee shall be \$30.00 per annum.

(64) *Class EC.* For a Class EC dance hall, the license fee shall be \$120.00 per annum; provided, however, where such dance hall is not operated more than three nights per week, the license fee shall be \$60.00 per annum.

(b) All license fees provided for in ~~paragraphs items~~ (1), (2), (3) and (64) of subsection (a) above shall be paid in advance on either an annual or semiannual basis. If such fee is paid on a semiannual basis, the license issued shall be cancelled automatically upon default being made in the payment of any semiannual installment. ~~The license fees provided for in the remaining paragraphs of subsection (a) shall be paid on an annual basis.~~

(c) For any original license granted during a current year, the fee for such license for the balance of such calendar year shall be prorated on the basis of the ratio that the remaining number of months in such calendar year bears to the figure 12, and for the purpose of determining such ratio, the month during which such license is granted shall be counted as one full month irrespective of the day upon which such license is granted during such month.

(d) No refund of any license fee paid hereunder shall be made by the city for any cause whatsoever.

Sec. 5-78. Issuance.

A license applied for under this division shall be issued by the director of administration and regulatory affairs or his designee when the conditions of this article have been complied with and the application has been approved in accord with this division.

Sec. 5-79. Contents.

A license issued under this division shall state on its face to whom it is issued, the date it will expire, the address and location of such dance hall, and whether the licensee is authorized to operate and conduct a Class A, B, ~~C~~, ~~D~~ or EC dance hall. It shall be signed by the director of administration and regulatory affairs.

Sec. 5-80. Posting.

A license issued under this division shall be posted by the licensee in a conspicuous place at or near the entrance to the dance hall and in such a place and position that it may be easily read at any time of day or night.

Sec. 5-81. Assignment or transfer from one location to another.

Licenses issued under this division shall be deemed personal to the licensee and shall not be assignable to any other person or transferable to any other place.

Sec. 5-82. Effect.

The granting of any license under the terms of this division shall in no event be construed as the granting or conferring of any vested right to the licensee or operator, and such license shall be subject to revocation and cancellation as provided for in this division.

Sec. 5-83. Expiration and renewal.

All licenses issued under this division shall terminate on the thirty-first day of December next after the date of such issuance, and any renewal thereof shall be for a period of one year and shall terminate on the thirty-first day of December next after such renewal, unless revoked or cancelled sooner as provided in this division. When it is desired to renew any license obtained under the procedure provided for in this division, the licensee holding such license and desiring to renew the same shall, before the expiration of such license, and not more than 30 days prior to such expiration date, be required to make application in the manner herein provided for the primary issuance of any class of license.

Sec. 5-84. Appeal from denial.

In the event the director of administration and regulatory affairs shall refuse to grant a license to any applicant under this division notice of such denial shall immediately be provided to the applicant in writing and such action shall become final unless the applicant shall, within ten days after the refusal to grant such license, file with the city secretary a written appeal addressed to the city council requesting a hearing by the council upon the question as to whether or not his application shall be granted. In the event such appeal is filed, the director of administration and regulatory affairs shall provide the council with a

record of all proceedings had with reference to the application in question, including the written application together with the action of the director of administration and regulatory affairs and the reason for such action. The city council shall, within 30 days, grant a hearing thereon to determine the correctness of the action of the director of administration and regulatory affairs and such action as the city council may take thereon shall be final and conclusive.

Sec. 5-85. Revocation.

- (a) A license to operate a dance hall may be revoked if:
 - (1) Any person required to be listed on the application for such license has committed any of the following offenses after the license was granted:
 - a. Any felony.
 - b. Any violation of the liquor laws of the state.
 - c. Any violation of state or federal laws regulating firearms.
 - d. Any violation of the Texas Controlled Substances Act or other state or federal law regulating drugs where the Act or other law permits punishment of confinement for one year or more upon conviction for such violation.
 - e. Any offense involving prostitution or aiding, abetting or promotion of prostitution.
 - f. Any substantive violation of the provisions of section 5-48 or sections 5-52 through 5-56 of this Code.
 - (2) Any person required to be listed on the application has been convicted of any of the offenses listed in ~~paragraph~~ item (1) above after the license was issued.
 - (3) The premises which are used for the dance hall have been openly frequented by known prostitutes, persons promoting prostitution, or persons selling or distributing substances in violation of the Texas Controlled Substances Act after the license was issued.
 - (4) There have been repeated violations of this article; the liquor laws of the state and/or federal or state laws regarding firearms by agents or employees of the licensed dance hall.
 - (5) Violations of section 5-51 or of section 5-76 of this Code or of both of those sections have transpired on the licensed premises on three or more days in

a consecutive period of 365 days.

(b) Prior to revocation, the police chief shall give written notice to the licensee setting forth:

- (1) The grounds upon which the city will seek revocation of the license.
- (2) The specific violations of this article and/or any federal or state law or laws upon which the city will rely in seeking revocation of the license or the specific convictions of the licensee or any person required to be listed on the application for the license.
- (3) That a hearing will be held before the director of administration and regulatory affairs or his designee.
- (4) The date, time and place of such hearing.
- (5) A statement that the licensee may appear in person, be represented by counsel, present testimony, and cross-examine all witnesses.

Such notice shall be served by personal delivery or by certified mail, return receipt requested.

(c) All hearings shall be conducted by the director of administration and regulatory affairs or his designee. Such official shall be referred to as the hearing officer. The director of administration and regulatory affairs shall not designate any person or persons to perform the duties of hearing officer under this section who has any prior knowledge of the allegations or circumstances upon which revocation is sought, except hearing officer shall, prior to the hearing, be provided a copy of the notice given to the licensee.

A representative of the legal department shall be present at each hearing to advise the hearing officer as to procedural matters but shall not take part in any determination of the facts.

All hearings shall be conducted under rules consistent with the nature of the proceedings; provided, however, the following rules shall apply to such hearings:

- (1) All parties shall have the right to representation by a licensed attorney though an attorney is not required.
- (2) Each party may present witnesses on his own behalf.
- (3) Each party has the right to cross-examine all witnesses.
- (4) Only evidence presented before the hearing officer at such hearing may be considered in rendering the hearing officer's final decision.

(d) If the licensee fails to appear at the hearing at the time, place and date specified, the city shall present sufficient evidence to establish a prima facie case showing grounds for revocation of the license.

(e) If the hearing officer finds that grounds do exist for revocation of the license, the hearing officer shall make written findings of fact and shall order the license revoked. A copy of the findings and order of the hearing officer shall be sent by certified mail, return receipt requested, to the licensee. The decision of the hearing officer shall be final.

(f) In the event a license is revoked, the city shall not be liable to the licensee for any refund of any part of the license fee.

Secs. 5-86--5-100. Reserved.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance amending Articles I, II, and III of Chapter 7 of the Houston Code of Ordinances relating to Antique, Resale, Secondhand Metal Dealers and Related Businesses

Category #

Page 1 of 2

Agenda Item#

18

FROM: (Department or other point of origin):

Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

Origination Date

May 1, 2009

Agenda Date
MAY 13 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina Paez
Alyssa Cervantes

Phone: (713) 837-9630

Phone: (713) 837-9533

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Ordinance amending Articles I, II, and III of Chapter 7 of the Houston Code of Ordinances relating to Antique, Resale, Secondhand Metal Dealers and Related Businesses

Amount of Funding: N/A

FIN Budget:

SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)

SPECIFIC EXPLANATION:

The Director of the Administration and Regulatory Affairs (ARA) Department seeks Council's approval of an ordinance which would amend Articles I, II, and III of Chapter 7 of the Houston Code of Ordinances relating to Antique, Resale, Secondhand Metal Dealers and Related Businesses.

As part of the One-Stop Permitting Initiative, and to facilitate the application and permitting process, ARA reviewed all regulatory language associated with our commercial and vehicle-for-hire permits to determine whether the permits are still applicable and necessary, and whether the Code provisions governing those permits are onerous, outdated, or in any way redundant. We also reviewed our internal business processes to ensure our internal regulatory and enforcement compliance with the ordinance provisions.

Chapter 7 of the Code of Ordinances provides for the regulation of dealers that engage in the business of buying, selling, or trading used items of varying degrees of value. The City of Houston has opted to regulate in this area in the interest of public safety, i.e. businesses that engage in reselling or dealing in used items may at times be utilized to front criminal activity such as money laundering or may deal in stolen goods.

Proposed Permit Consolidation

Two groups of permits mandated by Chapter 7 contain provisions regarding fees and permitting requirements that are very similar in nature and are often repetitive. The first group, consisting of the Antique Dealers; Antique Dealer Show; Gold, Silver and Coins; Limited Secondhand Dealer; Secondhand Jewelry, Tableware, and Precious Gems permits is recommended to be consolidated to create a single new permit that will be referred to as the Antique, Precious Metals, Resale Media and Clothing Dealers permit. The provisions governing these permits will be consolidated under one Article providing for a more concise statement of the regulatory requirements for better enforcement by City staff and easier comprehension by permittees.

The second group, Metal Recycling Entities and Secondhand Metal Dealers, is also recommended for consolidation to create the new Metal Recycler/Secondhand Metal Dealer permit. The permits consist of analogous subject matter, target dealers that operate similar businesses, and contain similar fees and regulations.

REQUIRED AUTHORIZATION

FIN Director:

7

Date: May 1, 2009	SUBJECT: Ordinance amending Articles I, II, and III of Chapter 7 of the Houston Code of Ordinances relating to Antique, Resale, Secondhand Metal Dealers and Related Businesses	Originator's Initials ADC	Page 2 of 2
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Proposed Ordinance Amendments

As summarized in the discussion above, the Administration & Regulatory Affairs Department recommends the following specific amendments to Chapter 7 of the Code of Ordinances:

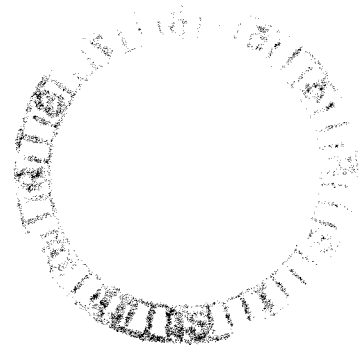
- Amend the title of Chapter 7 to delete the term *Junk Dealers*; a permit that transitioned into the Secondhand Dealer permit in the ARA business process and in the Code of Ordinances in 2007.
- Amend Article I to delete verbiage that exists in every other article in Chapter 7 and combines the regulatory language of the Secondhand Jewelry, Tableware and Precious Gems with the very similar regulatory language of the Antique Dealer permits. Additionally, the regulatory retention period for Precious Metal is recommended to be updated to coincide with preemptive state law (11 days).
- Amend Article III, an article that is devoted exclusively to scrap metal, by relocating the Limited Secondhand Dealer permit (regulating dealers in used printed documents, audio recordings and clothes) to Article II, the location of the Antique Dealer permits (which consists of similar fees and requirements). Additionally, the permit is recommended to be renamed the "Resale and Clothing Dealer" permit, to more accurately describe the nature of the permit and to better distinguish it from the Secondhand Dealer permit outlined in Article III.

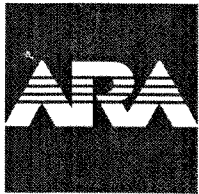
For the above-referenced reasons, the Administration and Regulatory Affairs Department, therefore, recommends City Council's approval of the proposed amendments to Article III in Chapter 5 of the Houston Code of Ordinances.

This item was presented to the Budget and Fiscal Affairs Committee on May 5, 2009, and was recommended for full Council approval.

AJM: adc

cc: Marty Stein
Arturo Michel





City of Houston

Administration & Regulatory Affairs Department

Executive Summary – ARA Permit Review: Code of Ordinances Chapter 7

May 5, 2009

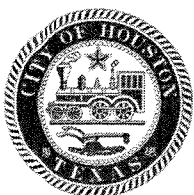
I. One-Stop Permitting Overview

The City of Houston issues over 435,000 permits each year, collecting more than \$50 million in fees on over 260 distinct types of permits. Permit administration is spread across 10 City departments, although 76 percent of the permits are issued by three departments: Public Works & Engineering (34 percent), Administration & Regulatory Affairs (25 percent) and Health & Human Services (17 percent).

With 10 departments issuing permits, the process is often confusing and time-consuming for the average citizen applying for a specific permit. As such, the Administration and Regulatory Affairs Department (ARA) has been tasked with driving a One-Stop Permitting Initiative for the City of Houston. To execute this vision, ARA is implementing a nine-step process:

- Step 1: Develop a one-stop permitting vision statement
- Step 2: Choose a software platform for ARA Commercial Permits to allow for better permit and inspection tracking.
- Step 3: Develop an inventory of all City permits
- Step 4: Task one individual in the City to be responsible for oversight of the initiative
- Step 5: Reorganize ARA's own permitting process first to streamline permit issuance and enforcement and employ best practices
- Step 6: Implement online permitting for ARA's permits first, and then deploy it citywide.
- Step 7: Evaluate all Code of Ordinance Provisions governing the 260 permit types for current applicability, consideration for consolidation or even repeal based on the current regulatory climate and present-day concerns. Employ a phased approach beginning with ARA Regulatory Permits.
- Step 8: Partner with the Public Works & Engineering Department to create a physical facility that will become the Houston Permitting Center
- Step 9: Work with the Public Works & Engineering Department to determine whether a one-stop or two-stop model is most feasible

Steps one through six have been completed. **Step seven** requires an exhaustive review of all the permit provisions in the Code of Ordinances. We are approaching this analysis systematically, reviewing permit provisions on a department-by-department basis, in multiple phases:



- **Phase One:** Evaluation of all ARA regulatory permits with recommended consolidations and repeals of permits, as appropriate, based on the present-day regulatory climate, the actual business processes currently in place, and best practices for each specific type of permitted activity.
- **Phase Two:** Evaluation of all other City permits, by department, with recommendations for consolidations and repeals of permits, as appropriate, based on the present-day regulatory climate, the actual business processes currently in place, and best practices for each specific type of permitted activity.
- **Phase Three:** Permit Fee Analysis for all ARA permits, and other City permits, if appropriate.

II. Step 7 - Phase One – ARA Permits

ARA administers approximately 50 types of commercial permits/licenses, 6 types of vehicle-for-hire permits and two types of burglar/panic alarm permits. ARA is responsible for processing over 40,000 commercial and vehicle-for-hire permits per year yielding approximately \$3.6 million in general fund revenues annually. ARA also manages over 96,000 burglar and panic alarm permits annually, generating over \$5 million in revenue to the Police Special Services Fund.

Given the volume of permit types in ARA alone, in selecting candidates for potential consolidation or repeal we focused first on the permits that seemed redundant or appeared to have arbitrary distinctions between similar permit types. We deliberately excluded from this first review any permits that are the subject of current or pending litigation, permits based on ordinance provisions that have been amended in the very recent past, and alcohol-related licenses. After an exhaustive review, we concluded that many of our commercial permits would require consolidation, and one transportation permit that had become obsolete required repeal, to better reflect an improved business process.

The ARA Department, therefore, recommends City Council's approval of the consolidation and/or repeal of the permits and/or language in Code proposed herein.

III. ARA Permits Recommended for Consolidation or Repeal

CHAPTER 7 – Antique Dealers, Common Markets, Junk Dealers, Scrap Metal Processors, Pawnbrokers and Related Businesses

Chapter 7 of the Code of Ordinances provides for the regulation of dealers that engage in the business of buying, selling, or trading used items of varying degrees of value. It is our understanding that the City of Houston has opted to regulate in this area in the interest of public safety, i.e. businesses that engage in reselling or dealing in used items may at times be utilized to front criminal activity such as money laundering or may deal in stolen goods.

Title

Over the past several decades since the inception of Chapter 7, the Junk Dealer permit transitioned into the Secondhand Metal Dealer permit in ARA's business process to more accurately describe the nature of the business. In 2007, Article III (the previous location of the Junk Dealers permit), was amended with the deletion of *Junk Dealers* from its title. The title of Chapter 7, however, was never updated. Accordingly, it is recommended that Junk Dealers be deleted from the title of Chapter 7.

Article I and the Secondhand Jewelry Permit

Article I of Chapter 7 (originally passed in 1968) consists of general provisions governing permits. It also defines the permit requirements for dealers in secondhand jewelry, tableware, precious gems, etc., as well as those for used appliance yards. The general regulatory provisions are repeated in every other article for every permit governed by this chapter. Accordingly, as these provisions are redundant, we recommend deleting the general and repetitive provisions of this Article.

The ordinance provisions in Article I that govern the Secondhand Jewelry, Tableware and Precious Gems (including gold, silver and platinum) permit are very similar to the provisions for the Antique Dealers permit. They are so similar that, over the years, ARA's permit business process for these two different permits consolidated them into one. The sole regulatory distinction between the permits is the mandatory retention period for the objects to be sold:

- 1) Secondhand jewelry, tableware and precious gems: retention period is 7 days
- 2) Antiques Dealers: retention period is 72 hours

Accordingly, we are recommending two changes regarding these permits:

- (1) that the Secondhand jewelry, tableware and precious gems permit provisions be moved to Article II, where the very similar provisions of the Antiques Dealers permit currently reside.
- (2) that the retention period in the ordinance for both types of permits, only as they relate to crafted precious metals, be amended to match the statutory requirements imposed by the State, pursuant to our discussions with HPD, further summarized below.

Prior to recommending an ordinance amendment to consolidate these permits, we discussed potential changes with the Houston Police Department. According to HPD, the retention periods in the Code are based on their experience with stolen property. In years past, HPD targeted some of these dealers in sting operations. In many cases, these dealers "smash and melt" jewelry before the sales transaction is even complete.

State law requires holding crafted precious metal for 11 days (Texas Occupations Code, Title 12, Chapter 1956, Sec. 1956.062). "Crafted precious metal" means jewelry, silverware, an art object, or another object, other than a coin or commemorative medallion, made in whole or in part from precious metal. From HPD's perspective, the

longer the holding period, the better the opportunity for HPD to recover stolen property. However, HPD also advised that any attempt by the City to increase this time period is sure to be met with resistance from the industries involved. Accordingly, our only recommended amendment to the retention period is to the holding time for crafted precious metals, to bring it into conformity with State law. Because this retention period will differ from the retention periods dictated for the remainder of Chapter 7 permits, the amendment will provide an exception to apply only to crafted precious metals.

The net effect of these recommendations is the complete repeal of general Article I, which will remain reserved like many other initial articles of various chapters. Chapter 7 will commence with what is currently Article II.

Consolidation of Antique Dealers, Secondhand Jewelry and Secondhand Dealers Permits

Article II governs dealers that engage in the business of buying, selling, or trading used antique, and/or collector's items. Upon inclusion of the Secondhand Jewelry permit language in Article II, this Article becomes the repository for all permits related to reselling used items other than scrap metal. The provisions for our Antique Dealer and Secondhand Jewelry permits contain similar terms as to fees and other permitting regulations.

Another permit that should be moved to this Article is the Limited Secondhand Dealer permit (regulating dealers in used printed documents, audio recordings, and clothes). Currently this permit resides in Article III, an article otherwise devoted almost exclusively to scrap metal dealers. As the subject matter and general terms and conditions of the Secondhand Dealer permit are more closely aligned with the permits in Article II, we recommend the Secondhand Dealer permit provisions be moved to Article II.

To avoid confusion, it is further recommended that the Limited Secondhand Dealer permit be renamed the "Resale Media and Clothing Dealer" permit, to more accurately describe the nature of the permit and to better distinguish it from the Secondhand Metal Dealer permit outlined in Article III (which is a dealer in scrap metal).

All permit requirements and application processes will remain the same for the group of permits recommended for consolidation. The sole change resulting from this consolidation will be an increase to the daily fee for the Antique Dealer show permit from \$2/day to \$10/day to coincide with the daily permit fee for the proposed Resale Media and Clothing Dealer show permits. The Department has issued five Antique Dealer show permits within the past four years.

The recommended permit consolidations are depicted in the diagram below.

Current Process – Chapter 7, Art. I, II, III

Antique Dealers
Antique Dealer Show
Gold, Silver and Coins
Limited Secondhand Dealer
Secondhand Jewelry, Tableware, Precious Gems



Proposed Chapter 7, Article II

Antique, Precious Metals,
Resale Media and Clothing Dealers

Consolidation of Metal Recycling Entity and Secondhand Metal Dealer Permits

The Metal Recycling Entity and Secondhand Metal Dealer permits target dealers that operate similar businesses. In short, a metal recycling entity processes scrap metal. A secondhand metal dealer operates or maintains scrap metal yards. Because the permits consist of analogous subject matter and contain similar regulations and fees, the consolidation of these permits into “Metal Recyclers/ Secondhand Metal Dealers” is recommended.

The recommended permit consolidation is depicted in the diagram below.

Metal Recycling Entity
Secondhand Metal Dealer



Metal Recycler/Secondhand Metal Dealer

IV. Recommendation

The Administration and Regulatory Affairs Department respectfully requests Council’s approval of the recommended consolidations and repeals of certain provisions detailed herein.

Respectfully Submitted,



Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

cc: Michael Moore
Marty Stein
Tina Paez
Alyssa Cervantes

AJM: adc

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinance amending Article III of Chapter 46 of the Houston Code of Ordinances relating to Suburban Buses

Category #

Page 1 of

1

Agenda Item#

FROM: (Department or other point of origin):

Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

Origination Date

May 1, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

Council Districts affected:

All

For additional information contact:

Tina Paez
Alyssa Cervantes

Phone: (713) 837-9630
Phone: (713) 837-9533

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an Ordinance amending Article III of Chapter 46 of the Houston Code of Ordinances relating to Suburban Buses

Amount of Funding: N/A

FIN Budget:

SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund ☐ Other (Specify)

SPECIFIC EXPLANATION:

The Director of the Administration and Regulatory Affairs (ARA) Department seeks Council's approval of an ordinance amending Article III of Chapter 46 of the Houston Code of Ordinances relating to Suburban Buses.

As part of the One-Stop Permitting Initiative, and to facilitate the application and permitting process, ARA reviewed all regulatory language associated with our commercial and vehicle-for-hire permits to determine whether the permits are still applicable and necessary, and whether the Code provisions governing those permits are onerous, outdated, or in any way redundant. We also reviewed our internal business processes to ensure our internal regulatory and enforcement compliance with the ordinance provisions.

Proposed Language Repeal

The Suburban Bus franchise is similar in nature to the Scheduled Ground Transportation permit authorized under Chapter 9 of the Code of Ordinances. Both regulatory schemes seek to regulate public transportation from outside the City limits to a designated location within the City limits (in the case of the Scheduled Ground Transportation permit: the airports). There exist duplications in the types of entities that seek these permits.

Unlike other vehicle-for-hire permits, suburban buses are franchised, requiring the applicant to show public convenience and necessity for the service, publication of the application in the newspaper for three consecutive days, and a hearing before City Council.

These onerous requirements, in addition to the existence of another City permit that accomplishes similar ends for potential permittees, have resulted in zero applications received and no franchises being granted for Suburban Buses in the past ten years. Accordingly, we recommend the regulation of Suburban Buses be repealed and Article III of Chapter 46 (*Suburban Buses*) be deleted from the Code.

For the above-referenced reasons, the Administration and Regulatory Affairs Department, therefore, recommends City Council's approval of the proposed amendment to Article III in Chapter 46 of the Houston Code of Ordinances.

This item was presented to the Budget and Fiscal Affairs Committee on May 5, 2009, and was recommended for full Council approval.

AJM: adc

cc: Marty Stein
Arturo Michel

REQUIRED AUTHORIZATION

Finance Director:



I. One-Stop Permitting Overview

The City of Houston issues over 435,000 permits each year, collecting more than \$50 million in fees on over 260 distinct types of permits. Permit administration is spread across 10 City departments, although 76 percent of the permits are issued by three departments: Public Works & Engineering (34 percent), Administration & Regulatory Affairs (25 percent) and Health & Human Services (17 percent).

With 10 departments issuing permits, the process is often confusing and time-consuming for the average citizen applying for a specific permit. As such, the Administration and Regulatory Affairs Department (ARA) has been tasked with driving a One-Stop Permitting Initiative for the City of Houston. To execute this vision, ARA is implementing a nine-step process:

- Step 1: Develop a one-stop permitting vision statement
- Step 2: Choose a software platform for ARA Commercial Permits to allow for better permit and inspection tracking.
- Step 3: Develop an inventory of all City permits
- Step 4: Task one individual in the City to be responsible for oversight of the initiative
- Step 5: Reorganize ARA's own permitting process first to streamline permit issuance and enforcement and employ best practices
- Step 6: Implement online permitting for ARA's permits first, and then deploy it citywide.
- Step 7: Evaluate all Code of Ordinance Provisions governing the 260 permit types for current applicability, consideration for consolidation or even repeal based on the current regulatory climate and present-day concerns. Employ a phased approach beginning with ARA Regulatory Permits.
- Step 8: Partner with the Public Works & Engineering Department to create a physical facility that will become the Houston Permitting Center
- Step 9: Work with the Public Works & Engineering Department to determine whether a one-stop or two-stop model is most feasible

Steps one through six have been completed. **Step seven** requires an exhaustive review of all the permit provisions in the Code of Ordinances. We are approaching this analysis systematically, reviewing permit provisions on a department-by-department basis, in multiple phases:



- **Phase One:** Evaluation of all ARA regulatory permits with recommended consolidations and repeals of permits, as appropriate, based on the present-day regulatory climate, the actual business processes currently in place, and best practices for each specific type of permitted activity.
- **Phase Two:** Evaluation of all other City permits, by department, with recommendations for consolidations and repeals of permits, as appropriate, based on the present-day regulatory climate, the actual business processes currently in place, and best practices for each specific type of permitted activity.
- **Phase Three:** Permit Fee Analysis for all ARA permits, and other City permits, if appropriate.

II. Step 7 - Phase One – ARA Permits

ARA administers approximately 50 types of commercial permits/licenses, 6 types of vehicle-for-hire permits and two types of burglar/panic alarm permits. ARA is responsible for processing over 40,000 commercial and vehicle-for-hire permits per year yielding approximately \$3.6 million in general fund revenues annually. ARA also manages over 96,000 burglar and panic alarm permits annually, generating over \$5 million in revenue to the Police Special Services Fund.

Given the volume of permit types in ARA alone, in selecting candidates for potential consolidation or repeal we focused first on the permits that seemed redundant or appeared to have arbitrary distinctions between similar permit types. We deliberately excluded from this first review any permits that are the subject of current or pending litigation, permits based on ordinance provisions that have been amended in the very recent past, and alcohol-related licenses. After an exhaustive review, we concluded that many of our commercial permits would require consolidation, and one transportation permit that had become obsolete required repeal, to better reflect an improved business process.

The ARA Department, therefore, recommends City Council's approval of the consolidation and/or repeal of the permits and/or language in Code proposed herein.

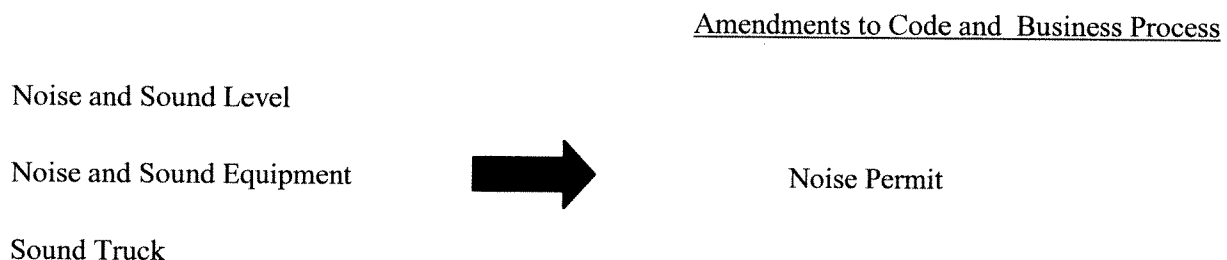
III. ARA Permits Recommended for Consolidation or Repeal

Chapter 30

Chapter 30 of the Code of Ordinances requires "*any person producing a sound through the use of outdoor sound amplification equipment on residential property in excess of 65 decibels during daytime hours (58 decibels during nighttime hours) or 68 decibels on nonresidential property*" to first acquire a permit. Historically our business process has separated the required permit into three permit types: (1) Noise and Sound Level, (2) Noise and Sound Equipment (3) and Sound Truck, although no such distinction existed in the Code of Ordinances. The permit fees and requirements for all three "permit types" are the same; the three types existed in the business process to allow for ease of enforcement by HPD, and to provide cues

to permitting staff as to routing. For example, sound trucks cruising through neighborhoods required closer HPD scrutiny than loud parties or other sound-producing events in fixed locations. ARA recommends that the permit applications be consolidated into a single form that will still allow the applicant to make a distinction between the type of equipment being used and whether or not the sound production will be stationary. We also recommend that only one type of permit be issued to prevent confusion, with routing and enforcement distinctions to be made in the back office rather than in the public facing aspects of the permitting process. This will allow the Noise permit to more accurately correspond to existing Code provisions. In order to accomplish this permit consolidation, no amendments to the Code are necessary. The changes will occur solely in our Commercial Permitting business process.

The update is depicted in the following diagram:



Chapter 46

Article III (Section 46-146) provides the language for our regulation of Suburban Buses. A suburban bus is defined as:

Any motor vehicle designed or adapted and used for the transportation of passengers, and operated for hire, over the public streets of the city, which takes passengers from suburban points without the city limits to points within the city limits or from points within the city limits to suburban points without the city limits.

The Suburban Bus franchise is similar in nature to the Scheduled Ground Transportation permit authorized under Chapter 9 of the Code of Ordinances. Both regulatory schemes seek to regulate public transportation from outside the City limits to a designated location within the City limits (in the case of the Scheduled Ground Transportation permit: the airports). Although not entirely redundant, there is some duplication in the types of entities that would seek these permits.

Unlike other vehicle-for-hire permits, suburban buses are franchised, requiring the applicant to show public convenience and necessity for the service, publication of the application in the newspaper for three consecutive days, and a hearing before City Council.

These onerous requirements, in addition to the existence of another City permit that accomplishes similar ends for many potential permittees, have resulted in zero applications received and no franchises being granted for Suburban Buses in the past ten years. With such little activity, we see no reason to keep this regulation in the Code of Ordinances. Accordingly, we recommend the regulation of Suburban Buses be repealed and Article III of Chapter 46 (*Suburban Buses*) be deleted from the Code.

IV. Recommendation

The Administration and Regulatory Affairs Department respectfully requests City Council's approval of the recommended consolidations and repeals of certain provisions detailed herein.

Respectfully Submitted,



Alfred J. Moran, Jr., Director
Administration and Regulatory Affairs

cc: Michael Moore
Marty Stein
Tina Paez
Alyssa Cervantes

AJM:adc

Chapter 46

VEHICLES FOR HIRE

* * *

ARTICLE III. RESERVED SUBURBAN BUSES

~~DIVISION 1. GENERALLY~~

Sec. 46-136. Definitions.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- ~~(1) *Director* shall mean the director of administration and regulatory affairs or his designee(s).~~
- ~~(2) *Driver* shall mean the person who actually drives and manages a bus upon the streets.~~
- ~~(3) *Operator* shall mean the person, firm or corporation owning a bus or having such interest therein as entitles him to the rights of an owner thereof, unless the context requires a different meaning.~~
- ~~(4) *Street* shall include any street, alley, avenue, lane, public place, square or highway within the corporate limits of the city.~~
- ~~(5) *Suburban bus* shall mean any motor vehicle designed or adapted and used for the transportation of passengers, and operated for hire, over the public streets of the city, which takes passengers from suburban points without the city limits to points within the city limits or from points within the city limits to suburban points without the city limits.~~

Sec. 46-137. Compliance with article.

~~No operator of any suburban bus or any line of suburban buses shall permit or cause to be driven, nor shall any driver of any suburban bus drive, on any street of the city any bus which does not comply with all of the provisions of this article. It shall be a violation of this article on the part of any operator of a suburban bus or line of suburban buses and on the part of any driver of a suburban bus to fail to comply and to fail to require compliance with any of the provisions of this article.~~

Sec. 46-138. Compliance with other ordinances and laws.

~~Notwithstanding any provision of this article or the granting of any franchise under this article in the operation of any suburban bus, every person in any manner connected therewith shall conform to and observe all present and all future ordinances of the city and all laws of the state applicable to the operation of motor vehicles.~~

Sec. 46-139. ~~Operation subject to director's regulations.~~

~~Notwithstanding the granting of any franchise under this article, every person connected with the operation of any suburban bus shall be subject to the control of the director and shall observe such reasonable regulations as he may from time to time prescribe with respect to the safety and sanitary condition of such buses, the frequency of services, routes and schedules and all other matters affecting the protection of the public.~~

Sec. 46-140. ~~Insurance.~~

~~(a) Notwithstanding any other provision of this article to the contrary, no franchise issued under this article shall become effective until the person to whom such franchise is granted shall have filed with the director a standard policy of public liability and property damage insurance executed by an insurance company duly and legally authorized to do business in the state, such policy to be performed in the city and to be approved by the director, insuring the general public against any loss or damage that may result to any person or property from the operation of suburban buses covered by such franchise.~~

~~(b) The public liability and property damage insurance herein provided for shall have limits of not less than the following amounts for bodily injuries to or death of any person or persons:~~

Seating Capacity (Passengers)	Limit for Bodily Injuries to or Death of One Person	Limit for Bodily Injuries to or Death of All Persons Injured or Killed in Any One Accident, Subject to a Maximum of \$5000.00 for Bodily Injuries to or Death of One Person
7 or less....	\$5,000.00	\$15,000.00
8 to 12....	5,000.00	20,000.00
13 to 20....	5,000.00	30,000.00
21 to 30....	5,000.00	40,000.00
31 or more....	5,000.00	50,000.00

~~For the injury to or destruction of property in any one accident, the limit of liability shall not be less than \$1,000.00.~~

~~(c) Such insurance shall be for the protection of the passengers of such suburban bus or buses as well as for the general public, but shall not cover personal injury sustained by the servants, agents or employees of the person filing same. The policies issued under this section shall contain a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon.~~

~~—— (d) If the director shall determine, after a hearing duly had, and after ten days' notice is given the operator that any standard policy of insurance as filed by the operator has become impaired so as to afford less protection to the public than when originally filed, he shall require a new or additional policy so as to bring the protection of such insurance to its original amount, and the operator shall have five days after receiving written notice of such requirement to provide the required new or additional policy. In the event such operator fails to provide the additional policy required, his franchise shall automatically terminate and expire.~~

~~—— (e) If any insurer desires to be released from any insurance policy filed under this section, he may do so by giving written notice to the director at least 30 days before he desires to be released from the liability, and the director shall thereupon give written notice by registered mail to the operator and demand that such operator furnish new insurance by the expiration of the policy herein provided for, and shall discharge the first insurer from any liability which shall accrue after the time of approval of the new policies furnished by the operator. If any policy is cancelled as herein provided or expires and no new policy is filed by the operator before the cancellation or expiration of the original insurance, the franchise of such operator for the operation of suburban buses shall automatically terminate and expire.~~

~~—— (f) Neither the city nor any of its officers shall be liable for the pecuniary responsibility or solvency of any such insurance or in any manner become liable for any sum on account of such claim or act of omission nor for any failure on the part of any of its officers or employees to have required either strict or substantial compliance by any operator with any of the provisions of this chapter.~~

~~Sec. 46-141. — Certificate of self-insurance in lieu of insurance:~~

~~—— (a) A suburban bus operator may, in lieu of the insurance requirements provided for in section 46-140 of this Code, file with the director a certificate of self-insurance issued by the state department of public safety in accordance with the provisions of the Texas Motor Vehicle Safety-Responsibility Act. In the event of the cancellation at any time of the certificate of self-insurance, the right of the holder of the suburban bus franchise to operate buses thereunder on the streets of the city shall automatically be suspended and shall remain suspended until the restoration of the certificate of self-insurance or until the holder of the franchise complies with all the provisions of section 46-140 of this Code concerning liability insurance.~~

~~—— (b) This section does not and shall not be construed to reduce the minimum insurance requirements of section 46-140 based on seating capacity. The certificate of self-insurance shall only be accepted in lieu of an insurance policy in an amount which would be required to establish "proof of financial responsibility," as defined in subsection 10 of section 1 of article 1 of the Texas Motor Vehicle Safety-Responsibility Act, and any excess over that amount must be supplied by a policy of insurance.~~

~~Sec. 46-142. Maintenance.~~

~~— All suburban buses shall be maintained in a safe and sanitary condition and every suburban bus shall be thoroughly cleaned and disinfected at least once in each 24-hour period.~~

~~Sec. 46-143. Equipment.~~

~~— All suburban buses shall be equipped with rear vision mirrors, a double windshield wiper, a partition or other guard to keep passengers from standing to the left of the driver, proper headlights and taillights which shall always be in good working condition and which shall be lit from one-half hour after sunset to one-half hour before sunrise while and if the bus is being driven and four-wheel brakes which may be either hydraulic or air brakes and which shall always be kept in first-class working order.~~

~~Sec. 46-144. Refusal to convey; rates and charges.~~

~~— (a) It shall be unlawful for any driver of any suburban bus to refuse to board and convey a passenger on a basis of race, color, religion, sex, national origin, age, or disability, including a driver's refusal to board and convey any service animal or medical equipment utilized in conjunction with a passenger's disability.~~

~~— (b) Notwithstanding other provisions of this article, and notwithstanding the granting of any franchise pursuant to this article, the rates to be charged by the operator of any suburban bus or line of suburban buses shall and may be fixed and determined from time to time by the city council and such rates may be changed from time to time by the city council where passengers are transported for hire wholly within the city limits. Nothing in this Code or the ordinance adopting this Code shall be deemed to repeal or otherwise affect the validity of any ordinance fixing such rates.~~

~~Sec. 46-145. Posting of rates and routes.~~

~~— Every suburban bus shall have posted in a conspicuous place in the bus the route to be traveled thereby and a schedule of the rates of fares and shall have painted on the front and on the rear thereof, or on both sides, a serial bus number indicating the bus route in accordance with such classification and enumeration of routes as the director may devise and order.~~

~~Sec. 46-146. Inspection; correction of defects.~~

~~— The director, or his duly appointed representative, may at any time make tests and inspections of all suburban buses, and if, as a result of such inspection, any bus is found to be in an unsatisfactory condition, the owner or operator thereof shall be notified of the defects observed and shall immediately correct same to the satisfaction of the director. If~~

~~the director finds any suburban bus to be unfit or unsafe for the carriage of passengers, he shall forthwith notify the operator of such bus or line of buses and such operator shall not thereafter cause or permit such bus to be operated on any street of the city until it has been made safe for the carriage of passengers. The director and any employee whom he may designate to the duty of inspection of buses shall be given free and ready access to all suburban buses.~~

~~Sec. 46-147. Drivers not to smoke or use tobacco.~~

~~Drivers of suburban buses shall not smoke or use tobacco during the time they are driving such buses.~~

~~Sec. 46-148. Maximum shifts for drivers.~~

~~No driver of a suburban bus shall drive the bus for more than 12 hours in any twenty-four-hour period and no owner of any suburban bus shall permit any person to drive such bus more than 12 hours in any 24-hour period.~~

~~Sec. 46-149. Doors to be closed while in motion.~~

~~The doors of a suburban bus shall be securely closed at all times while the bus is in motion.~~

~~Sec. 46-150. Receipt or discharge of passengers generally.~~

~~Suburban bus passengers shall not be received or discharged in the traveled portion of any street, but if passengers are to be received or discharged, the driver shall pull the bus to the curb and discharge the passengers on the side of the bus immediately against the curb.~~

~~Sec. 46-151. Designation of loading points.~~

~~Notwithstanding any provision of this article or any franchise granted under this article, the city reserves the right, by ordinance or by rule or regulation promulgated pursuant to any ordinance in effect at this time or hereafter passed, to designate certain areas within the city and certain portions of certain streets within the city within and upon which passengers may not be loaded or discharged by any suburban bus except at loading points to be so designated and to provide by penal ordinance for the prevention of loading or unloading within such areas or upon such streets except at such designated loading points.~~

~~Sec. 46-152. Intoxicated passengers; indecent language by passengers.~~

~~—— No person who is intoxicated shall be permitted to enter or ride in a suburban bus, and no person shall curse or swear or use any indecent language in any suburban bus. It shall be the duty of the driver of any suburban bus to eject from such bus any person violating this section or to report such violation to a peace officer at the first opportunity.~~

Sec. 46-153. ~~Passengers not to ride on outside or block driver's vision.~~

~~—— No driver of a suburban bus shall permit or allow passengers or employees to stand or ride on the running board, dash board, fender or any outside portion of the bus, nor shall he permit any passenger to stand in such a position that the driver's vision forward or to the right front or left is blocked.~~

Sec. 46-154. ~~Conversation between driver and passengers.~~

~~—— No driver of any suburban bus shall converse with any passenger while the bus is in motion except to give necessary information, but he shall give his entire attention to the operation of the bus while the same is in motion. A sign or poster shall be carried in plain view of all passengers on a suburban bus stating: "No passenger shall converse with the driver, while the bus is in motion."~~

Sec. 46-155. ~~Accident reports.~~

~~—— Suburban bus operators shall make immediate report to the director of each and every accident in which any suburban bus is involved. Such report shall give the time and place of the accident, the number and names of all persons injured or killed, both passengers and nonpassengers.~~

Sec. 46-156. ~~Right of city to regulate operation of vehicles.~~

~~—— Notwithstanding other provisions of this article or any franchise granted under this article, the city reserves the right, by ordinance or any other lawful rule or regulation, to regulate the operation of all motor vehicles on the streets of the city.~~

Sec. 46-157. ~~Appeals.~~

~~—— (a) Any person dissatisfied with any order, rule or regulation of the director made by him pursuant to any provision of this article shall have the same right of appeal to the city council which is provided by section 46-171 of this Code for appeals from his refusal to grant a certificate of public necessity and convenience, all of which appeals shall be perfected in the manner therein provided and shall be acted upon by the city council in the manner therein provided. Any appeal from any order, rule or decision of the director shall be perfected within ten days from the date of the order, rule or regulation appealed from, and not thereafter.~~

~~_____ (b) Upon the application of any person aggrieved by or dissatisfied by a rule, order or regulation made by the director pursuant to any provision of this article, the mayor may, if in his opinion the public safety or welfare will not be endangered by a temporary stay thereof, stay the effect and force of such rule, regulation or order pending appeal therefrom as hereinabove provided or pending the lapse of time within which to perfect an appeal.~~

~~Secs. 46-158--46-165. Reserved.~~

~~_____~~ **DIVISION 2. FRANCHISE**

~~Sec. 46-166. Required.~~

~~_____ It shall be unlawful for any person to operate a suburban bus in the city unless such person holds a franchise authorizing such operation issued as provided for in this division.~~

~~Sec. 46-167. Certificate of public convenience and necessity--Prerequisite to issuance.~~

~~_____ No franchise shall be granted under this division until the applicant therefor has obtained a certificate of public convenience and necessity pursuant to this division.~~

~~Sec. 46-168. Same--Application and accompanying data.~~

~~_____ (a) Any person desiring to operate a suburban bus or buses shall file with the director an application for a certificate of public convenience and necessity, which application shall contain the following information:~~

- ~~_____ (1) The name and post office address of the applicant; and if the applicant is a partnership, the name and address of the partners; and if the applicant is a corporation, the name and places of residence of the then acting officers of such corporation.~~
- ~~_____ (2) The number of suburban buses to be operated, and the seating capacity of each of such vehicles.~~
- ~~_____ (3) The route over the streets of the city which the applicant desires to follow in the operation of such bus or buses.~~
- ~~_____ (4) The approximate number of trips daily to be made by the applicant's bus or buses over the prescribed route.~~
- ~~_____ (5) The schedule of fares to be charged by the applicant for the services rendered.~~

~~———— (6) ——— The applicant's qualifications for providing the service to be rendered.~~

~~———— (b) Such application shall be accompanied by supporting statements or certificates containing the following information:~~

~~———— (1) ——— A sworn financial statement showing in reasonable detail a list of all of the property and assets owned by the applicant, the fair market value thereof, the extent, if any, to which such assets may be encumbered, and the nature and amount of any and all obligations owing by such applicant.~~

~~———— (2) ——— A map or sketch in triplicate showing the proposed route to be traveled by the bus or buses operated by the applicant.~~

~~———— (3) ——— Such other information as the director may determine to be necessary to fully consider the applicant's facilities and ability to safely and satisfactorily perform the service to be rendered.~~

~~Sec. 46-169. ——— Same--Notice of application and hearing thereon.~~

~~———— (a) The director shall cause a notice of each application for a certificate of public convenience and necessity under this division to be published in one of the daily newspapers in the city for three consecutive days, the cost of publishing such notice to be paid in advance by the applicant. Such notice shall set forth the fact that such application has been filed, and shall state that a hearing will be held in the council chamber of the City Hall, and shall designate the time, which shall be not less than five days nor more than 15 days after the first publication of such notice.~~

~~———— (b) The director shall require that a transcript be made of the hearing at the expense of the applicant.~~

~~Sec. 46-170. ——— Same--Consideration of application; issuance.~~

~~———— (a) The director, upon receipt of an application for a certificate of public convenience and necessity and the supporting information required by this division, shall take into consideration the merits of the application, the demands of public convenience and necessity for the service to be rendered, the financial responsibility of the applicant, the number, kind, type of equipment to be used by the applicant, and such other relevant facts as the director may deem advisable or necessary, which may throw light on the public convenience and necessity.~~

~~———— (b) If the director finds from his investigation, and after a hearing that the public convenience and necessity justify the operation of the suburban bus or buses for which the certificate is desired, the director shall issue a certificate that the public necessity and convenience will be served by permitting the operation by the applicant of the number and type of buses set forth in his application, or so many thereof as the director finds the public~~

~~necessity and convenience demand, along the routes and upon the schedules proposed by the applicant.~~

Sec. 46-171. ~~Same--~~Appeals by applicant.

~~—— (a) If any applicant for a certificate of public convenience and necessity under this article is dissatisfied with the decision rendered by the director, such applicant shall have the right of appeal to the mayor and city council, which appeal shall be perfected by his delivering to the city secretary a letter addressed to the mayor and city council, stating that an appeal from the decision of the director to the council is desired. The city council, within ten days after receiving such notice of appeal from the findings of the director, shall grant the applicant a hearing, and after such hearing may sustain, reverse or modify the decision made by the director.~~

~~—— (b) The council's decision shall be certified to the director and should such decision be in favor of granting an application theretofore denied by the director, or of granting an applicant a certificate for the operation of more buses or upon other schedules than those approved by the director, the director shall then issue the certificate of public necessity and convenience in accordance with the decision of the council. If, however, in the first instance, no appeal is taken from the decision made by the director within the time provided, such decision shall be final.~~

Sec. 46-172. ~~General~~ manner of granting.

~~—— (a) All franchises required by this article shall be granted pursuant to the provisions of the charter, and in particular the provisions of sections 17 and 18 of article II of the charter.~~

~~—— (b) When a certificate of public convenience and necessity has been issued pursuant to the terms of this article, a franchise required by this article may be granted by ordinance of the city council, which franchise and ordinance shall be passed pursuant to and in conformity with all of the provisions of the charter of the city and in particular with the provisions of sections 17 and 18 of article II thereof.~~

Sec. 46-173. ~~Contents~~ of ordinance.

~~—— An ordinance granting a franchise under this division shall set forth the number of buses and capacity thereof which may be operated thereunder, the routes to be traveled and the schedules to be observed, but shall contain provisions authorizing the director, under such rules and regulations as he may adopt subject to the approval of council, to permit such variations in the routes and schedules and assignment of buses as may from time to time be proper. Such franchise ordinance shall provide that it shall not become effective unless, within the time provided in such ordinance for its becoming effective, the person to whom the franchise is granted shall have paid to the director the franchise fees established in this division for one year's operation.~~

Sec. 46-174. ~~Deposit to cover cost of publication of ordinance.~~

~~Before a franchise or franchise ordinance provided for by this division is published as required by the provisions of the charter, the applicant therefor shall deposit with the city secretary the amount which the city secretary may ascertain will be the cost of such publication. After such publication has been ordered, the applicant shall not be entitled to have refunded any part of such deposit which is made to secure the cost of publication except such part thereof, if any, as is not expended for that purpose.~~

Sec. 46-175. ~~Fee.~~

~~(a) The annual fee for a franchise required by this division shall be as follows:~~

~~(1) For each suburban bus to be operated, having a seating capacity of 30 or more, the sum of \$150.00.~~

~~(2) For each suburban bus to be operated, having a seating capacity of more than 24 and less than 30, the sum of \$120.00.~~

~~(3) For each suburban bus to be operated, having a seating capacity of more than 19 and less than 25, the sum of \$100.00.~~

~~(4) For each suburban bus to be operated, having a seating capacity of more than 14 and less than 20, the sum of \$90.00.~~

~~(5) For each suburban bus to be operated, having a seating capacity of less than 15, the sum of \$75.00.~~

~~(b) The franchise fees provided for hereunder and to be provided for in such franchise ordinance shall be paid on an annual basis and if the holder of any franchise shall not, on or before the expiration of one year from the date of issue thereof, pay in advance the franchise fee for the succeeding year, such franchise shall thereupon terminate and come to an end.~~

~~(c) If a franchise is not finally granted, the applicant shall be entitled to a refund of the amount he has paid as the franchise fee for the first year.~~

Sec. 46-176. ~~Transfer.~~

~~A franchise granted under this division shall be personal to the person to whom it is granted and shall not be transferred except subject to such terms as the council may include in the franchise ordinance.~~

Secs. 46-136 177--46-190. Reserved.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

R

SUBJECT: Ordinance modifying the adopted 2000 Uniform Plumbing Code to include irrigation rules as required under State law.**Category #****Page**
1 of 1**Agenda Item #**
20**FROM (Department or other point of origin):**
Department of Public Works and Engineering**Origination Date**
4-30-09**Agenda Date**
MAY 13 2009**DIRECTOR'S SIGNATURE:**

Michael S. Marcotte, P.E., D. WRE, BCEE, Director

Council District affected:
All**For additional information contact:**

Sheila Blake, Assistant Director Phone: (713) 535-7525

Date and identification of prior authorizing Council action:
None**RECOMMENDATION:** (Summary) Approve an ordinance amending the Houston Plumbing Code to incorporate State law changes for irrigation systems and to require irrigator licensing**Amount and Source of Funding:** N/A**SPECIFIC EXPLANATION:**

Effective January 1, 2009, HB 1656 (TX 80th Legislature) amended the Local Government Code by adding Section 401.006 requiring cities to pass an ordinance adopting minimum codes for irrigation systems in accordance with Texas Commission on Environmental Quality rules and requiring irrigation installers to be licensed. Current Houston Plumbing Code requires irrigation systems to be permitted by a licensed plumber or irrigator; however the new requirements provide additional provisions for water conservation which add to the number of inspections required and the time involved in enforcing this revised code.

In addition to current requirements for backflow prevention devices to protect the public water supply, this ordinance also requires the installation of moisture sensors and inspections to ensure that the sprinkler heads are directed away from hard surfaces such as driveways, parking lots, and streets.

The ordinance establishes a per sprinkler head permit fee of \$1 for 1-200 sprinkler heads and \$.50 per sprinkler head thereafter. This method of setting the fees correlates directly to the amount of time necessary to conduct the newly required inspections of the moisture sensors, head placement, and valves.

REQUIRED AUTHORIZATION

CUIC 20AFI29

Finance Department

Other Authorization:**Other Authorization:**

"117.5.1 General. Following is a schedule of fees required for permits, with a minimum fee of \$35.00, where not otherwise specified:

Opening in street (street cut, for purpose of connection with utilities)
..... \$85.00

(See Chapter 40, *City Code*, for additional regulations and deposits required.)

Temporary gas inspection \$35.00

Gas permit and inspection (up to 3 openings) \$35.00

Additional gas openings, each \$5.00

Manufactured home inspection fee (where no state inspection has been made) \$35.00

Fire-protection fee (fire sprinkler system, separate permit required):

For a fire sprinkler system (any head or group of heads up to 25 that is regulated with a valve for any portion of a building), minimum fee \$75.00

For each additional head \$3.00

Standpipe system (1 to 25 hose connections) \$55.00

Each additional hose connection \$3.00

Irrigation System (1 to 200 heads, per head) \$1.00

Each additional head \$0.50"

"101.4.1.7 Irrigation Systems. Irrigation systems shall comply with standards and specifications regarding the design, installation, and operation of such systems in accordance with Chapter 344 of the Texas Administrative Code and section 1903.053 of the Occupations Code and any rules adopted by the Texas Commission on Environmental Quality pursuant to section 1903.053 of the Occupations Code."

"103.1.3 Irrigation Permit. An installer of an irrigation system shall obtain a separate permit for each property before installing such a system."

103.2.1 Application. Upon application by a state-licensed master plumber or by a property owner of a building owned and occupied by him as his homestead to install storm and sanitary sewers, plumbing fixtures, appurtenances and appliances for drainage, gas, water and/or sewer lines, or medical gas, water treatment and/or irrigation lines and appurtenances or by drain layer's license holders to install storm sewers, or by a licensed installer of an irrigation system to install irrigation lines or systems, if the conditions and requirements of this Code have been ~~compiled~~ complied with and if there are adequate facilities or arrangements have been made to provide service to such plumbing installations, the Administrative Authority shall issue a permit. No plumbing permit shall be issued until a building permit shall have first been issued where a building permit is required.

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Administrative Authority for that purpose.
Every such application shall:"

"104.8 Registration Fee for Irrigators. The annual fee for irrigator registration required in Section 104.3.1 shall be \$25."

"117.5.1 General. Following is a schedule of fees required for permits, with a minimum fee of \$35.00, where not otherwise specified:

Opening in street (street cut, for purpose of connection with utilities) (See Chapter 40, <i>City Code</i> , for additional regulations and deposits required.)	\$85.00
Temporary gas inspection	\$35.00
Gas permit and inspection (up to 3 openings)	\$35.00
Additional gas openings, each	\$5.00
Manufactured home inspection fee (where no state inspection has been made)	\$35.00
Fire-protection fee (fire sprinkler system, separate permit required):	
For a fire sprinkler system (any head or group of heads up to 25 that is regulated with a valve for any portion of a building), minimum fee	\$75.00
For each additional head	\$3.00
Standpipe system (1 to 25 hose connections)	\$55.00
Each additional hose connection	\$3.00
Irrigation System (1 to 200 heads, per head)	\$1.00
Each additional head	\$0.50"

SUBJECT: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2009 (the "Series 2009 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2009 Notes and matters incident thereto.

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2/1-22


FROM (Department or other point of origin):
Finance Department and Office of City Controller

Origination Date:

May 8, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:**Council District Affected:**
All**For additional information contact:**

Charles Leal 713-837-9892

Jim Moncur 713-247-2950

Date and identification of prior authorizing Council action:

RECOMMENDATION: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2009 (the "Series 2009 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2009 Notes, in an amount not to exceed \$225 million.

Amount of Funding: Not Applicable**Finance Dept Budget:**

Source of Funding: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund

☐ Other (Specify)**SPECIFIC EXPLANATION:**

The City's General Fund revenue collections are not evenly distributed throughout the fiscal year. The major revenue source is ad valorem taxes, the largest part of which is collected shortly before the tax delinquency date of February 1st of each year. In order to finance its general operation expenditures each fiscal year, the City borrows against anticipated collection of taxes and revenues to cover temporary cash flow shortages. This request is for City Council's approval to issue Tax and Revenue Anticipation Notes ("TRANS") for Fiscal Year 2010 in an aggregate amount not to exceed \$225 million.

The TRANS are structured in two parts, which helps the City to comply with tax laws and arbitrage regulations. The first ordinance will approve the initial borrowing (\$75 – 150 million) and is sized to take advantage of federal tax law exemptions and avoid arbitrage penalties. The ordinance also authorizes the Preliminary Official Statement (POS) and the distribution of the POS so the City can proceed with the competitive sale for this portion of the Series 2009 Notes. The closing for these notes is anticipated to occur in July 2009.

The second ordinance will authorize the Mayor and City Controller to finalize the terms of one or more additional offerings for supplemental borrowings if there are additional cash needs later in the fiscal year. If a supplemental borrowing occurs (not to exceed \$75-150 million), the supplemental transaction will be presented to City Council for approval. The supplemental notes, if issued, would be repaid prior to fiscal year end, typically following the receipt of property tax revenues. The supplemental borrowing option has only been utilized once in the past 5 years, in FY 2009, in an amount of \$40 million for Hurricane Ike related expenditures.

REQUIRED AUTHORIZATION**F&A Director:****Other Authorization:****Other Authorization:**

Date: May 8, 2009	Subject: Approve two Ordinances authorizing the issuance and sale of one or more series of Tax and Revenue Anticipation Notes, Series 2009 (the "Series 2009 Notes"). Also, approval of the Preliminary Official Statement ("POS"), the Notice of Sale ("NOS") and the distribution of the POS in preparation for a competitive sale of the Series 2009 Notes and matters incident thereto.	Originator's Initials	Page 2 of 2
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For the first borrowing, electronic bids for the Notes will be received on the sales desk between 9:30 a.m. and 10:00a.m. Central Daylight Time and will correspond with a meeting date for City Council. If any bid becomes a leading bid within two minutes prior to the scheduled end of the bidding, the time period for submission of bids will automatically be extended by two minutes from the time that such bid was received. At the close of the bidding period, the Office of the City Controller, Finance Department and the City's Financial Advisors will verify interest rate calculations of bids received and join the City Council session to announce the results. City Council will be asked to adopt a motion to award the sale based on the lowest true interest cost.

Since this is a competitive auction, there will not be a necessity for an underwriting team. Vinson & Elkins and the Law Offices of Francisco G. Medina will serve as co-bond counsel.

This item was presented to the Budget and Fiscal Affairs Committee on May 5, 2009 and reported out favorably.

Recommendation:

The Finance Working Group recommends approval of this item.

Cc: Arturo Michel, City Attorney
Marty Stein, Agenda Director

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriate \$25 million out of the Houston Airport System (HAS) Airports Improvement Fund and transfer to the HAS Consolidated 2004 AMT Construction Fund and the HAS Consolidated 2004 NonAMT Construction Fund for payment of ongoing HAS CIP project expenditures; and authorize reimbursement of these capital expenditures to the HAS Airports Improvement Fund out of bond or commercial paper proceeds.	Category #	Page 1 of 1	Agenda Item # 23
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FROM (Department or other point of origin): *AM*
Houston Airport System

Origination Date
April 29, 2009

Agenda Date
MAY 13 2009

DIRECTOR'S SIGNATURE:

The B. Baughman for RMV

Council District affected:
B, E, I

For additional information contact:

Ian Wadsworth **Phone:** 281/233-1682
David Arthur 281-233-1388

Date and identification of prior authorizing Council action:
10/14/2008 (O) 2008-914

AMOUNT & SOURCE OF FUNDING:

\$25 Million - Airports Improvement Fund (8011)

INW *ee*

Prior appropriations:
10/14/2008 \$50 Million
Airports Improvement Fund (8011)

RECOMMENDATION: (Summary)

Approve an Ordinance authorizing the temporary use of funds from the HAS Airports Improvement Fund (AIF) to pay for HAS CIP projects, appropriating the funds, and authorizing the reimbursement of these capital expenditures to the HAS Airports Improvement Fund out of future commercial paper or bond proceeds.

SPECIFIC EXPLANATION:

On October 14, 2008, City Council approved the temporary use of up to \$50 million of AIF funds to pay expenditures which were originally appropriated under the HAS Senior Lien Commercial Paper Notes, Series A and Series B. This action was necessary as the commercial paper market has been inaccessible since September 2008 due to a worldwide credit/financial market turmoil. HAS is now requesting authorization to increase the amount of AIF funds available for temporary use to pay for ongoing capital improvement projects by an additional \$25 million, as the commercial paper market remains inaccessible.

The short-term solution is to continue for HAS to transfer cash reserves from the HAS Airports Improvement Fund to the HAS Consolidated 2004 AMT Construction Fund and the HAS Consolidated 2004 NonAMT Construction Fund, as needed, to pay for ongoing construction expenditures until the commercial paper notes, previously borrowed AIF monies and remaining appropriations can be replaced with bond funds. This action provides that HAS Airports Improvement Fund monies transferred to the HAS Consolidated 2004 AMT Construction Fund and the HAS Consolidated 2004 NonAMT Construction Fund (a total amount not to exceed \$75 million) be reimbursable from Commercial Paper Notes or bond proceeds at a later time.

Members of the City's Finance Working Group support this solution. The City's HAS Finance Working Group includes: the City Controller's Office, the Finance Department, HAS Department, the HAS Financial Advisors, and the HAS Bond Counsel.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:


To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

HCD09-22

09-Alliance

Subject: An Ordinance authorizing the execution of a contract between the City of Houston and The Alliance for Multicultural Community Services for the administration and operation of a Short Term Rent Mortgage and Utility Assistance Program through a HOPWA Grant.		Category	Page 1 of 2	Agenda Item # 24
From (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 04/21/09	Agenda Date MAY 13 2009	
Director's Signature [Signature]		Council District affected: District F, CM M. J. Khan		
For additional information contact: Keith W. Bynam Phone: 713.868.8396 [Signature]		Date and Identification of prior authorizing Council action:		
Recommendation: (Summary) Approval of an ordinance authorizing the execution of a contract between the City of Houston and The Alliance for Multicultural Community Services ("The Alliance") for the operation and administration of a Short Term Rent Mortgage and Utility Assistance Program under the Housing Opportunities for Persons with AIDS ("HOPWA") Act.				
Amount of Funding \$181,900.00			Finance Budget:	
Source of Funding <input type="checkbox"/> General Fund <input checked="" type="checkbox"/> Grant Fund <input type="checkbox"/> Enterprise Fund				
HOPWA Grant Fund 5000				
<input type="checkbox"/> Other (Specify)				
Specific Explanation The Housing and Community Development Department ("HCDD") recommends approval of a contract between the City of Houston and The Alliance for Multicultural Community Services ("The Alliance") for the administration and operation of a Housing Opportunities for Persons with AIDS ("HOPWA") project. The Alliance's HOPWA project will provide Short -Term Rent, Mortgage and Utilities Assistance for HIV positive persons and their families. The Alliance's target population will be refugee and immigrant residents of Harris County, many of whom are female heads of households and victims of domestic violence. The Alliance was founded in 1985 by the Association of Cambodian, Ethiopian, Laotian and Vietnamese Refugee Community Organization. To date, The Alliance has served over 90,000 refugees, immigrants and low-income individuals in the Houston area and ranks as one of the largest refugee employment and resettlement service providers in the state of Texas. Services currently offered by The Alliance include reception and placement into housing, transportation, healthcare and referral and interpreter services. Interpreter services have been offered through the Ryan White Planning Council to assist non-English speaking citizens to obtain proper HIV healthcare. The extension of housing and utility assistance will allow an additional 150 persons maintain safe and affordable housing.				
Required Authorization				
Finance Director [Signature]		Other Authorization		Other Authorization [Signature]

Date 4/21/09	Subject: An Ordinance authorizing the execution of a contract between the City of Houston and The Alliance for Multicultural Community Services for the administration and operation of a Short Term Rent Mortgage and Utility Assistance Program through a HOPWA Grant.	Originator's Signature 	Page 2 of 2
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HIV/AIDS is a disease that does not discriminate and Houston's immigrant community suffers both the effects of the disease as well as the difficulty of language and service barriers. Through a contract with HOPWA, The Alliance can extend its range of services and support to the immigrant community through language and with services that support their specific needs.

This agreement will provide up to \$181,900.00 in HOPWA funding for a one (1) year contract in order to provide the above-referenced services to a minimum of fifty (50) low-income unduplicated HIV positive persons and 150 family members annually.

Total Funds and Sources:	\$181,900.00
Number of Persons to be Served:	50 individuals and 150 family members (annually)
Category of Persons:	HIV/AIDS/Low-income persons and their families

The Contract will provide funding for:

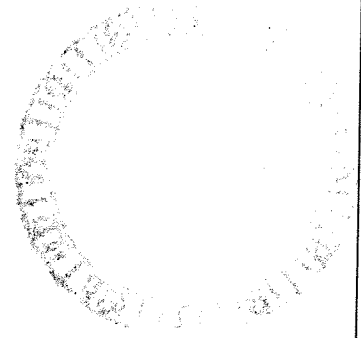
Service Category	Recommended Funding Amounts
Administration	\$4,625.00
Short Term Rent Mortgage and Utility Assistance	\$177,275.00
Total Amount*	\$181,900.00

*Annual amount

Therefore, HCDD is requesting approval of a contract providing up to \$181,900.00 in HOPWA funds for the administration and operation of a Short-Term Rent, Mortgage and Utilities Assistance Program for HIV+, low-income persons and their families.

RC:KB:tw

City Secretary
Mayor's Office
Legal Department
Finance Department



REQUEST FOR COUNCIL ACTION**TO:** Mayor via City Secretary**RCA #** 8259**SUBJECT:** Approve an Amending Ordinance to Increase the Maximum Contract Amount for Contract #C55019 for Professional Auditing Services for the Finance Department
TC-3-0739-010-13593-A5**Category #****Page 1 of 1****Agenda Item #**

25**FROM: (Department or other point of origin):**

Michelle Mitchell, Director

Finance Department

Origination Date

03-15-2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

Finance Department

**Council Districts affected:**

All

For additional information contact:

Michelle Mitchell

Phone: (713) 221-0935

Douglas Seckel

Phone: (713) 837-9880

Date and identification of prior authorizing Council Action:

Ords:03-529,6/4/03;07-242,2/21/07;07-1336,11/28/07

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount from for the contract between the City of Houston and Deloitte & Touche, LLC for professional auditing services \$7,302,737.00 to \$7,522,737.00 for the Finance Department.

Amount of Funding:

\$220,000.00 - General Fund (1000)

Finance Budget:**SOURCE OF FUNDING:**☒ General Fund☐ Grant Fund☐ Enterprise Fund☐ Other (Specify)**SPECIFIC EXPLANATION:**

The Finance Director recommends that City Council approve an amending ordinance to increase the maximum contract amount for a contract between the City of Houston and Deloitte & Touche, LLC for professional auditing services from \$7,302,730.00 to \$7,522,737.00 for the Finance Department.

This contract was awarded on June 4, 2003, by Ordinance No. 2003-0529 for a three-year term, renewed for two additional one-year terms, in the original contract award amount of \$3,439,097.00. On February 21, 2007, Council approved Ordinance No. 2007-0242, increasing the maximum contract amount to \$3,747,737.00. It was subsequently amended on November 28, 2007 by Ordinance No. 2007-1336, increasing the maximum contract amount to \$5,542,737.00. Ordinance No. 2008-489 was approved by Council on June 4, 2008, increasing the maximum contract amount to \$7,302,730.00. The remaining balance as of March 17, 2009 is \$238,698.39. All other terms and conditions remain as originally approved by City Council. The Finance Director may terminate this contract at any time upon 30-days written notice.

This increase in spending is requested to pay the outstanding invoices on the current contract. The increased costs were the result of the City not being able to provide financial information to Deloitte in a timely manner. All requested monies were budgeted by the Finance department in its FY09 budget. The Finance Department issued a request for proposals for a new-five year professional auditing services contract and Deloitte & Touche received the highest overall score. The new contract is being drafted and is being presented to Council.

The scope of work requires the contractor to provide all materials and supervision necessary to perform the contractual services that are requested by the City. These services include audits, reviews and consulting services.

This contract was issued as a goal-oriented contract with a 24% M/WBE participation level and the contractor is currently achieving 10.67%.

Estimated Spending

DEPARTMENT	FY09
Finance Department	\$220,000.00

REQUIRED AUTHORIZATION**Finance Director:****Other Authorization:****Other Authorization:**



March 5, 2009

Mr. Morris M. Scott
Manager - Contract Compliance Division
City of Houston
Affirmative Action and Contract Compliance Division
P.O. Box 1562
Houston, TX 77251-1562
USA

Deloitte & Touche LLP
Suite 4500
1111 Bagby Street
Houston, TX 77002-4196
USA

Tel: +1 713 982 2000
Fax: +1 713 982 2001
www.deloitte.com

Dear Mr. Scott:

I'm in receipt of your letter dated February 27, 2009 related to contract 4600007221, Professional auditing services citywide with Deloitte & Touche LLP TC-3-0739-010-13593-A2.#C55019/4600007221.

As we have previously explained in a November 28, 2006 letter to Ms. Velma Laws (copy is attached to this letter), in 2003 we entered into the audit agreement with the City of Houston (the "City") and had two qualified MWDBE firms team with us, (1) McConnell & Jones LLP ("McConnell") and (2) F.V. Diaz and Company, P.C. ("Diaz"). Each of these firms participated with us for the audits for the fiscal years ended June 30, 2003 through June 30, 2005.

McConnell decided, on their own, to participate as a subcontractor on another City contract related to Hurricane Katrina and Rita reimbursements, which impaired their independence related to the annual independent audit. Because of McConnell's independence issue, they could not participate in the annual audits for the fiscal years ended June 30, 2006 through June 30, 2008. I make the point that it was McConnell's choice to participate in the other contract and not our choice, but once they made that choice they were precluded from participating in the annual audit as their independence had been impaired. They are now clear of the independence impairing contract and have elected to participate with us on the annual audit for the fiscal year ended June 30, 2009, if that contract is ratified by City Council.

Diaz merged with the firm of Mir Fox Rodriguez, P.C. ("MFR") during calendar year 2008, and decided, on their own, that they wanted to opt out of the subcontract agreement with us, and pursue other opportunities at the City. We would have welcomed their continuing participation in this audit contract agreement.

With the two matters noted above in mind, we were left without our two original subcontractors when we entered into the audit contract. We set about pursuing other alternatives in the marketplace, but it should be noted that McConnell and MFR represent two of the largest MWDBE's in the Houston marketplace as it relates to professional auditing services.

I made contact with the following three entities that were registered MWDBE's in the City's database:

1. Hidalgo, Banfill, Zlotnik & Kermali, P.C. ("Hidalgo")
2. Margie O. Oyedepo, CPA ("Oyedepo")
3. H.R. Shaikh, Seyar LLP ("Seyar")

Mr. Morris M. Scott
March 5, 2009
Page 2

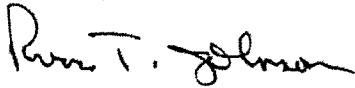
We were able to enter into subcontract agreements with both Hidalgo and Oyedepo for the June 30, 2008 audit. We began to enter into a subcontract agreement with Seyar, but again an independence issue was identified, which would not be allowed under AICPA independence rules, so we were not able to enter into an agreement with this firm.

I believe that the above actions clearly demonstrate our commitment to the City's MWDBE goals. It should also be noted that in our proposal for the June 30, 2009 audit, that McConnell no longer has an independence issue and can rejoin the team, and we have added a recent addition to the City's MWDBE's data base Yoe CPA, LLC, ("Yoe") which we have prior audit experience with. The June 30, 2009 proposed audit subcontractors would result in 24% of the 2009 audit fee being paid to subcontractors and those subcontractors would include:

1. McConnell
2. Hidalgo
3. Oyedepo
4. Yoe

I believe that our actions related to the June 30, 2009 proposal again demonstrate our desire to, and commitment to meet the City's MWDBE participation goals. If you have any further questions or concerns, please don't hesitate to contact me at 713-982-2542.

Sincerely,



Ross T. Johnson
Director

Attch.



Deloitte & Touche LLP
Suite 2300
333 Clay Street
Houston, TX 77002-4196
USA

Tel: +1 713 982 2000
Fax: +1 713 982 2001
www.deloitte.com

November 28, 2006

Ms. Velma Laws
Director of Affirmative Action and Contract Compliance
City of Houston
611 Walker, 7th Floor
Houston, Texas 77002

Dear Ms. Laws:

Deloitte & Touche LLP ("D&T") is pleased to continue to serve as independent accountants and auditors for the City of Houston, Texas (the "City") pursuant to the Agreement for Professional Audit Services # 03-0529 (the "Audit Agreement"), dated June 18, 2003, between the City and D&T.

D&T has historically made a good faith effort to award subcontracts or supply agreements in at least 24% of the value of this agreement to MWDBEs. We plan to continue to utilize the firm of F.V. Diaz & Company, P.C. ("Diaz") during the June 30, 2006 audit of the City.

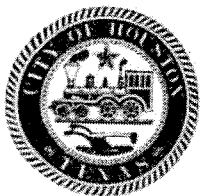
Based upon agreements, unrelated to the Audit Agreement, that were entered into by one of the historically used MWDBE firms that subcontracted to us for the fiscal years ended June 30, 2003 through June 30, 2005, we have determined that such MWDBE firms independence has been impaired, and the use of such firm for services related to the June 30, 2006 audit would not be prudent. In addition, we have reviewed a list of potential vendors included in the City's MWDBE Management and Contract Compliance System, and believe that two other MWDBE firms that we would consider utilizing in the performance of the Audit Agreement, have existing agreements with the City that could also impair their independence in performing under the terms of the Audit Agreement.

Due to the above noted circumstances, we wanted to notify you of our intent to limit the use of MWDBE assistance to Diaz for the June 30, 2006 audit. We would also plan to revisit the issue related to the MWDBE firms that currently have independence issues, in order to reassess if the use of such firms on future audits would result in our independence being impaired. Please contact me if you have any questions or concerns about this matter.

Sincerely,

Ross T. Johnson
Director

cc: Judy Johnson, Director of Finance and Administration



CITY OF HOUSTON
Affirmative Action and Contract Compliance
Request for Verification of MWDBE Participation

Date: March 17, 2009 **Requestor:** Joyce Hayes
Prime Contractor: Deloitte Consulting, LLP
Contract/BPO: C55019 / #4600007221
Contract Description: Professional auditing services citywide with Deloitte and Touche, LLC. TC-3-0739-010-13593-A2.
Prime Contract Person: Ross Johnson **Phone:** (713) 982-2542
Award Date: 06/18/2003 **Date:** 06/30/2008 **Goal:** 24%
Amount Paid by City (to date): \$6,962,297
Scheduled MWDBE Participation: 24%
MWBE: F.V. Diaz & Company, P.C. / McConnell & Jones, LLP / Hidalgo, Banfill, Zlotnik & Kermall
Amount of Intent: \$1,330,256.88

FOR AFFIRMATIVE ACTION USE ONLY

Actual M/WDBE Dollar Amount Paid: \$742,641

M/WDBE Participation Achieved: 10.67%

To this date, Deloitte Consulting has not achieved the MWDBE goal on this contract.



Prepared by Daniel Hamilton
Senior Contract Compliance Officer



Approved by Morris Scott
Division Manager

March 31, 2009

Date:

4-1-09

Date:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8243

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Professional Auditing Services for the Finance Department
S37-T23107

Category #
9

Page 1 of 2

Agenda Item
26

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

March 10, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

Calvin D. Wells

Council District(s) affected
All

For additional information contact:

Michelle Mitchell Phone: (713) 221-0935
Douglas Moore Phone: (832) 393-8724

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to the best respondent, Deloitte & Touche, LLP, in the maximum contract amount of \$8,695,000.00 for professional auditing services for the Finance Department.

Maximum Contract Amount: \$8,695,000.00

Finance Budget

\$8,695,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options, to the best respondent, Deloitte & Touche, LLP, in the maximum contract amount of \$8,695,000.00 for professional auditing services for the Finance Department. This contract provides auditing services that include the Comprehensive Annual Financial Report (CAFR), Single Audit Federal Financial Awards Programs, State of Texas Single Auditor/Uniform Grant Management Standards and Special Services. The Department Director may terminate this contract at any time upon 30-days written notice to the contractor.

This contract will assist the Finance Department in providing professional services in the fiscal year ending June 30, 2009 for audit of the basic financial statements as listed in the COH Comprehensive Annual Financial Report (CAFR), an audit of federal and state awards and special services as needed.

The scope of work requires the contractor to provide all labor, materials, and supervision necessary to perform audits covering the financial statements of all funds and account groups of the City, which includes a variety of governmental, proprietary and fiduciary funds. The contractor also conducts reviews of the City's investments and systems for procurement, inventory, cash receipts processing, payroll and petty cash.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State of Texas bid laws and, as a result, proposals were received from four firms: Belt Harris & Associates, LLP, Deloitte & Touche, LLP, Grant Thornton, LLP, and KPMG, LLP. The Evaluation Committee consisted of stakeholders representing the interests of three intra-dependent Departments: Convention & Entertainment Facilities Department, Controller's Office, and the Finance Department. The Proposals were evaluated based upon the following criteria and Deloitte & Touche, LLP received the highest overall score:

- Expertise/Experience/Qualifications:
- Proposed Strategy and Operational Plan:
- Conformance to RFP Requirements:
- Local Government Auditing Experience:

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

MO

Date: 3/10/2009	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for Professional Auditing Services for the Finance Department S37-T23107	Originator's Initials JH	Page 2 of 2
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M/WBE Subcontracting

This RFP was issued as a goal-oriented contract with a 24% M/WBE participation level. **Deloitte & Touche, LLP** has designated the below-named companies as its certified M/WBE subcontractors.

<u>Subcontractor</u>	<u>Type of Work</u>	<u>Percent</u>	<u>Amount</u>
Hidalgo, Banfill, Zlotnick & Kermali, P.C.	Audit	36.1%	\$753,335.00
McConnell & Jones LLP	Audit	23.3%	\$486,224.00
Margie Oyedepo, CPA	Audit	23.3%	\$486,224.00
Yoe CPA, LLC	Audit	17.3%	\$361,017.00

The Affirmative Action Division will monitor this contract.

Pay or Play Program

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

Buyer: Joyce Hays

ESTIMATED SPENDING AUTHORITY

Department	FY 2009	FY2010	Out Years	Total
Finance	\$500,000.00	\$1,739,000.00	\$6,456,000.00	\$8,695,000.00

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8269

Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount and Approve and Authorize a Second Amendment to Contract #4600007844 for Vehicle Car Wash Services for the Houston Police Department S30-L22454-A2

Category #
4

Page 1 of 2

Agenda Item

27

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 07, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

For additional information contact:

Joseph Fenninger *JHF 4/14/09* Phone: (713) 308-1708
Ray DuRousseau Phone: (832) 393-8726

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

Ord. No. 20007-660, Ord No. 2008-620

RECOMMENDATION: (Summary)

Approve an amending ordinance to increase the maximum contract amount and approve and authorize a second amendment to the contract between the City of Houston and TIBH Industries, Inc. to increase the maximum contract amount from \$500,000.00 to \$750,000.00 and extend the term from July 5, 2009 to July 4, 2010 for vehicle car wash services for the Houston Police Department.

Maximum Contract Amount Increased By: \$250,000.00

Finance Budget

\$250,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an amending ordinance to increase the maximum contract amount and approve and authorize a second amendment to the contract between the City of Houston and TIBH Industries, Inc. (TIBH) to increase the maximum contract amount from \$500,000.00 to \$750,000.00, and extend the contract term from July 5, 2009 to July 4, 2010 for vehicle car wash services for the Houston Police Department.

This contract was awarded on June 6, 2007, by Ordinance No. 2007-660 for a one-year term, in the original contract amount of \$250,000.00. An amending ordinance was approved on July 1, 2008, by Ordinance No. 2008-0620, to increase the spending authority from \$250,000.00 to \$500,000.00 and extended the term from July 5, 2008 to July 4, 2009. All other terms and conditions remain as originally approved by City Council. The City Purchasing Agent may terminate this contract at any time upon 30 days written notice to the Contractor.

In November 2006, the Houston Police Department conducted a pilot program with TIBH to provide vehicle car wash services. During the pilot program, TIBH (Contractor) performed satisfactorily and the services were well received by Police Officers. Therefore, the Department in collaboration with the Administration & Regulatory Affairs Department negotiated firm prices for a three-year contract with two one-year options and submitted it to City Council for approval. City Council, however, amended the initial contract term from three years to one year and eliminated the option years. The Contractor's performance during this past year has been satisfactory and Police Officers continue to appreciate the services provided under the contract; thus, the reason for requesting a one-year extension.

The scope of work requires the contractor to provide all labor, tools, parts, facilities, supplies, equipment, transportation and supervision necessary to clean and wash approximately 3,500 vehicles per month at eight Department locations throughout the City.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

[Signature] 4/14/09

NA

OK

Date: , 4/7/2009	Subject: Approve an Amending Ordinance to Increase the Maximum Contract Amount and Approve and Authorize a Second Amendment to Contract #4600007844 for Vehicle Car Wash Services for the Houston Police Department S30-L22454-A2	Originator's Initials RM	Page 2 of 2
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As a service provided under this contract, TIBH employs six to eight individuals with disabilities, including a disabled veteran of the first Gulf War. Additionally, TIBH has committed, in writing, to priority hiring of disabled veterans from the Iraq, Afghanistan and Bosnia conflicts.

The Texas Human Resources Code, Section 122.017 provides: A political subdivision of this state may purchase products or services for its use from private businesses through its authorized purchasing procedures, but may substitute equivalent products or services produced by persons with disabilities under the provisions of this chapter.

Attorney General of Texas Opinion No. JM-444 states that general statutes that require counties, cities, hospital districts and school districts to engage in competitive bidding in order to make certain purchases do not apply to purchases such as political subdivisions make pursuant to Section 122.017 of the Human Resources Code. TIBH Industries, Inc. has approved the contract specifications, services and the agency that will provide these services.

Estimated Spending Authority

DEPARTMENT	FY2010	OUT YEARS	TOTAL
Police Department	\$250,000.00	\$00.00	\$250,000.00

Buyer: Richard Morris

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment and Increase in Contract Amount to Agreement with Charles N. Moore for Controlled Substance Consulting Services for the Houston Police Department

Category #
9

Page
1 of 1

Agenda Item #
28

FROM (Department or other point of origin):

Harold L. Hurtt, Chief of Police
Houston Police Department

Origination Date

3-26-09

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:



Council District affected: All

For additional information contact:

Irma Rios, Assistant Director Phone: 713-308-2636

Approved by: J.A. Fenninger 3/13/09

Joseph A. Fenninger, Deputy Director Phone: 713-308-1708

Date and identification of prior authorizing Council action: 06/11/08 Ord. # 2008-522

RECOMMENDATION: (Summary)

Approve an ordinance authorizing a contract amendment with Charles N. Moore and increasing the maximum contract amount to \$300,000.00 for controlled substance consulting services for the Houston Police Department.

Amount and

Source of Funding: \$150,000.00 from the General Fund.
(Previous funding of \$150,000.00 from the General Fund)

Finance Budget:

SPECIFIC EXPLANATION:

City Council approved a one year contract with Charles N. Moore for Controlled Substance Consulting services on June 11, 2008 via Ordinance 2008-522 for the Houston Police Department.

The Chief of Police recommends that City Council approve a one-year extension to the contract in an amount not to exceed \$150,000.00. Funding will be allocated as follows: FY09 - \$15,000.00, FY10 - \$135,000.00.

The scope of services requires the contractor to provide on-site confirmation of weight and quality analysis measures for marihuana and other drug-related evidence subsequent to a defendant's pleading out of a criminal prosecution. Other contract deliverables include the quantitative analysis of criminal case exhibits and protocol writing for the Crime Lab.

This recommendation is made pursuant to Chapter 252, Section 252.022 (a) (4) of the Texas Local Government Code for exempted procurements.

HLH:JAF:tkc

10IR001B

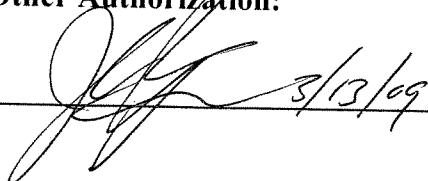
REQUIRED AUTHORIZATION

NOT

Finance Department:



Other Authorization:



Other Authorization:

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8220

Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for SAP Basis Support and System Monitoring Services for the Information Technology Department

Category #
4

Page 1 of 2

Agenda Item

29

FROM (Department or other point of origin):

Calvin D. Wells
City Purchasing Agent
Administration & Regulatory Affairs Department

Origination Date

April 14, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE

[Signature]
For additional information contact:
Earl M. Lambert Phone: (832) 393-0038
Douglas Moore Phone: (832) 393-8724

Council District(s) affected
All

Date and Identification of prior authorizing Council Action:

RECOMMENDATION: (Summary)

Approve an ordinance awarding a contract to REALTECH, Inc., in an amount not to exceed \$2,510,000.00 for SAP Basis Support and System Monitoring Services for the Information Technology Department.

Maximum Contract Amount: \$2,510,000.00

Finance Budget

\$2,510,000.00 - General Fund (1000)

SPECIFIC EXPLANATION:

The City Purchasing Agent recommends that City Council approve an ordinance awarding a three-year contract, with two one-year options to REALTECH, Inc. in an amount not to exceed \$2,510,000.00 for SAP basis support and system monitoring services for the Information Technology Department. The City Purchasing Agent may terminate this contract at any time upon 30-days written notice to the contractor.

The scope of work requires the contractor to provide all labor, materials and supervision for Certified SAP Consultant Services and system monitoring tools to supplement work currently being performed by the City staff for services related to maintaining, administering, monitoring and supporting the existing City SAP environment. The contractor will assign one SAP Basis Consultant onsite to the City during normal business hours (8:00 AM to 5:00 PM, Monday – Friday). In addition, the contractor must provide 24/7 offsite support and monitoring services to ensure the SAP environment is operational at all times.

This Request for Proposal (RFP) was advertised in accordance with the requirements of the State bid laws. Eighteen prospective bidders downloaded the solicitation document from SPD's e-bidding website and as a result, proposals were received from ObjectWin Technology, AT&T, ATOS, eSOA Integration, ea Consulting, Dominion SAP, Sparta Consulting, V3IT Consulting, Intelligroup, Realtech, Lazar Consultants, Protera Technologies, Tesera, Pro Morphics, Sage Group, Brookhaven Solutions, Dhaksha Technologies and Meridian Partners. The Evaluation committee consisted of three evaluators from the Information Technology Department.

The proposals were evaluated based upon the following criteria:

- Conformance to RFP requirements
- Price
- Expertise, Experience, Qualifications
- Financial Strength

REALTECH, Inc. received the highest overall score.

REQUIRED AUTHORIZATION

Finance Department:

Other Authorization:

Other Authorization:

NOT

Date: 4/14/2009	Subject: Approve an Ordinance Awarding a Contract to the Best Respondent for SAP Basis Support and System Monitoring Services for the Information Technology Department	Originator's Initials EA	Page 2 of 2
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Buyer: Eric Alexander

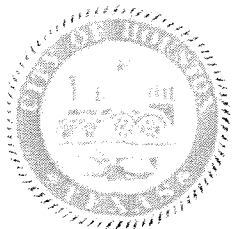
Attachment: M/WBE zero-percent document approved by the Affirmative Action Division

Estimated Spending Authority:

DEPARTMENT	FY 2009	OUT YEARS	TOTAL
Information Technology	\$57,000.00	\$2,453,000.00	\$2,510,000.00

Pay or Play Program

The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.



CITY OF HOUSTON

Information Technology Department

Interoffice

Correspondence

To: Robert Gallegos
Deputy Assistant Director

From: Frank Rodriguez

Date: 11-19-08

Subject: MWBE Participation Form

I am requesting a **waiver** of the MWBE Goal:

Yes ☒ No ☐

Type of Solicitation: Bid ☐ Proposal ☒

I am **requesting** a MWBE goal below 11%:

Yes ☐ No ☐

I am requesting a **revision** of the MWBE Goal:

Yes ☐ No ☐

Original Goal: _____ New Goal: _____

If requesting a revision, how many solicitations were received: _____

Solicitation Number: N/A

Estimated Dollar Amount: \$390,000.00

Anticipated Advertisement Date: 11/26/08

Solicitation Due Date: _____

Goal On Last Contract: N/A

Was Goal met: Yes ☐ No ☐

If goal was not met, what did the vendor achieve: _____

Name and Intent of this Solicitation:

Services to supplement the City's Basis Team by providing services related to maintaining, administering and supporting the City's current SAP Basis environment.

Rationale for requesting a Waiver or Revision:

The services that will be provided by the contractor are very specialized, technical nature and do not present an opportunity for divisibility. The City's RFP scope of work request that the contractor provide 1 (one) onsite IT staff to provide SAP Basis support and maintenance. Additionally, the contractor will be required to perform offsite monitoring via automated software and perform corrective action remotely.

Concurrence:

Initiator

Division Manager

FOR Velma Laws, Director
*Affirmative Action

* Signature is required, if the request is for zero percent MWBE participation, or to revise the MWBE goal.

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION		Page 1 of 2	Agenda Item 30
SUBJECT: Amend Ordinance No. 2008-0374 to Increase the Maximum Contract Amount Task Order Contract for Various City Departments Brave / Architecture Inc. WBS No. L-000TOC-0001-3, D-000115-0005-3			
FROM (Department or other point of origin): General Services Department	Origination Date 05-07-09	Agenda Date MAY 13 2009	
DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E. 4/26/09	Council District(s) affected: <div style="text-align: center;">All</div>		
For additional information contact: Jacquelyn L. Nisby Phone: 832-393-8023	Date and identification of prior authorizing Council action: Ordinance No. 2008-0374, dated 04/30/08		
RECOMMENDATION: Approve an Ordinance amending Ordinance 2008-0374 (passed April 30, 2008) to increase the maximum contract amount to \$1,900,000.00, and appropriate \$291,000.00 to the citywide task order contract with Brave/Architecture Inc.			
Amount and Source of Funding: \$191,000.00 Solid Waste Consolidated Construction Fund (4503) \$100,000.00 General Improvement Consolidated Construction Fund (4509) \$291,000.00 TOTAL		Finance Budget: 	
Previous Funding: Maximum Contract Amount: \$800,000.00 Initial Appropriation: \$250,000.00 General Improvements Consolidated Construction Fund (4509) \$ 50,000.00 Solid Waste Consolidated Construction Fund (4503) \$100,000.00 Public Library Consolidated Construction Fund (4507) \$100,000.00 Police Consolidated Construction Fund (4504) \$500,000.00 Total			
SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve an Ordinance amending Ordinance No. 2008-0374 to increase the maximum contract amount from \$800,000.00 to \$1,900,000.00, and appropriate \$291,000.00 to the design contract with Brave/Architecture Inc. for citywide task order architectural and engineering services for various City departments.			
The additional funding will allow Brave to continue to provide architectural and engineering services on an as needed basis, for various City departments and seal documents to comply with the City Building Code. Fees for each project will be negotiated based upon the size and complexity of the tasks involved. Periodically, as departments identify projects, additional funding will be made available by supplemental allocations from various departmental budgets, and appropriations from various bond funds up to the maximum contract amount of \$1,900,000.00.			
PROJECT LOCATION: Citywide			
PREVIOUS HISTORY AND PROJECT SCOPE: On April 30, 2008, City Council approved a three-year architectural services task order contract with Brave and delegated authority to the director to approve supplemental allocations up to the maximum contract amount of \$800,000.00. It is expected that Brave will deplete the \$800,000.00 expenditure cap by the end of May 2009.			
REQUIRED AUTHORIZATION CUIC ID# 25DSGN39			
General Services Department: Humberto Bautista, P.E. Chief of Design & Construction Division		Solid Waste Management Department: Harry J. Hayes Director	

Date	SUBJECT:	Originator's Initials	Page
	Amend Ordinance No. 2008-0374 to Increase the Maximum Contract Amount Task Order Contract for Various City Departments Brave / Architecture Inc. WBS No. L-000TOC-0001-3, D-000115-0005-3	JJR	2 of 2

M/WBE INFORMATION: The original Task Order Contract and this additional appropriation have a 24% M/WBE goal. The consultant will utilize the certified firms referenced in the original contract to achieve the goal. Through March 2009, Brave has billed \$248,529.22 and has paid \$55,580.86 to certified M/WBE sub-consultants for miscellaneous project support, or 22.36%.


 IZD:HB:JLN:RAV:JJR

c: Marty Stein, Jacquelyn Nisby, James Tillman IV, Harry Hayes, Velma Laws, Kim Nguyen, File

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA# 8328

Subject: Approve an Appropriation Ordinance from the FY09 Fire Consolidation Construction Fund for the Purchase of Radio Console Equipment for the Information Technology Department

Category #
1

Page 1 of 1

Agenda Item

31

FROM (Department or other point of origin):

Richard Lewis
Chief Information Officer
Information Technology

Origination Date

April 29, 2009

Agenda Date

May 11, 2009

DIRECTOR'S SIGNATURE

Richard Lewis

Council District(s) affected
All

For additional information contact:

Tom Sorley Phone: (832) 393-0300
Frank Rodriguez Phone: (832) 393-0205

Date and Identification of prior authorizing Council Action:

2008-952 passed 10/29/2008

RECOMMENDATION: (Summary)

Approve an ordinance authorizing the appropriation of \$447,000.00 from the FY09 Fire Consolidation Construction Fund (4500) for the purchase of radio console equipment for the Information Technology Department.

Award Amount \$447,000.00

Finance Budget

\$447,000.00 FY09 Fire Consolidation Construction Fund (4500) WBS No. X-50000-0001-3-03

SPECIFIC EXPLANATION:

The Chief Information Officer recommends that City Council approve an ordinance authorizing the appropriation of \$447,000.00 from the FY09 Fire Consolidation Construction Fund (4500) for the purchase of radio console equipment for the Houston Emergency Center. The equipment will be purchased from the existing contract awarded to Motorola, Inc. (Contract No. 4600009232).

This appropriation will allow the purchase of radio console equipment that will be installed at the Houston Emergency Center and is part of the City's matching funds for the 2003 COPS Interoperability Technology Grant. Additionally, the purchase will support the City's initiative to improve radio communications and provide for inter agency interoperability between City, County, Regional, State and Federal agencies.





REQUIRED AUTHORIZATION

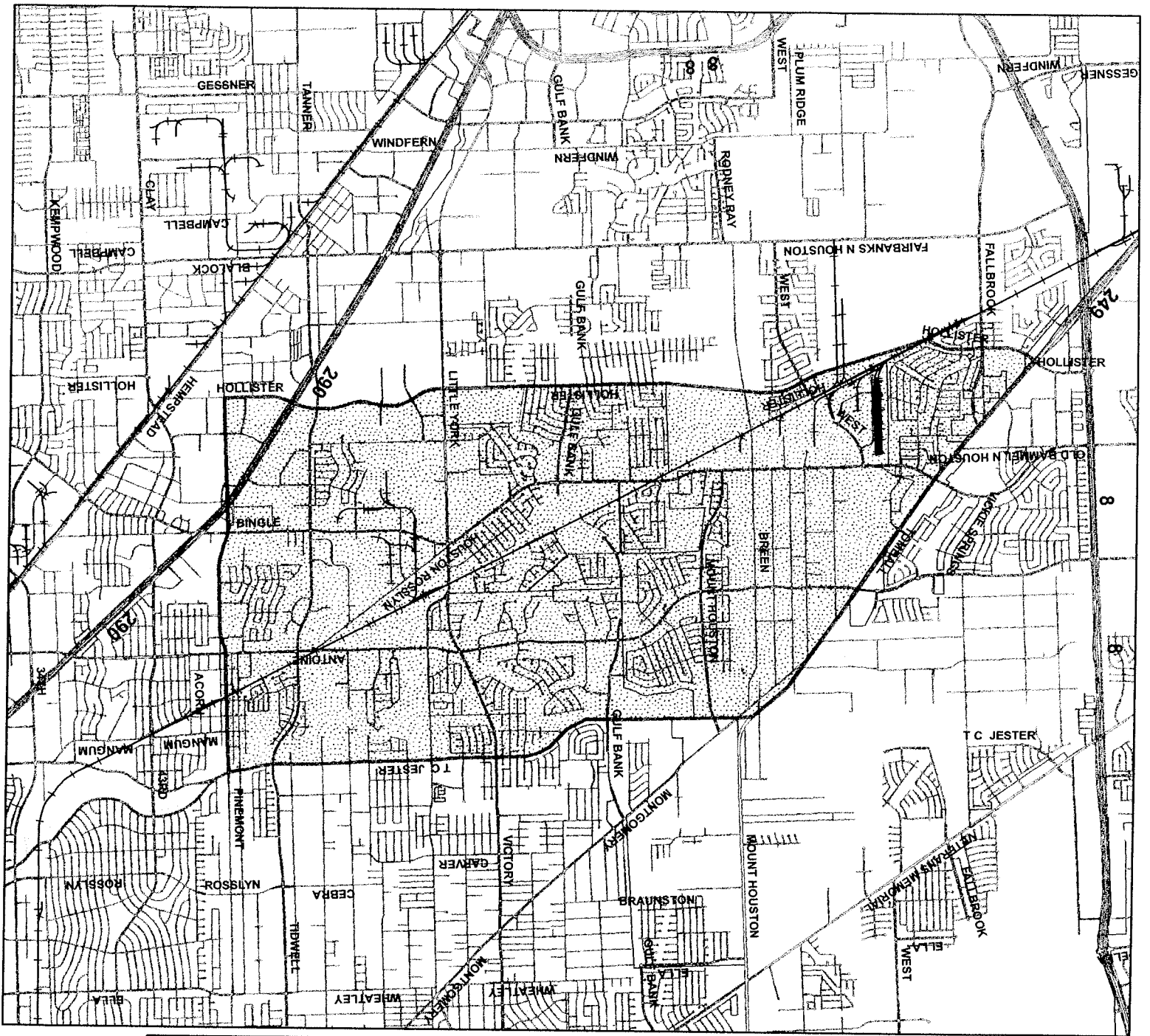
Finance Department:

Other Authorization:

mgd

Other Authorization:

SUBJECT: Maintenance Agreement for Right-of-Way Improvements between the City of Houston and the Near Northwest Management District.		Page 1 of 1	Agenda Item # 32
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 4-30-09	Agenda Date MAY 13 2009	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: A & B		
For additional information contact: Carol A. Ellinger, P.E.  Phone: (713) 837-7658	Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) It is recommended that City Council pass an Ordinance authorizing a Maintenance Agreement between the City of Houston and the Near Northwest Management District.			
Amount and Source of Funding: N/A			
PROJECT NOTICE/JUSTIFICATION: The Near Northwest District was created by the property owners and commercial businesses in 2001 by the State Legislature Bill 1990, Resolution 2001-24. The District, which encompasses about 9,010 acres, focuses on promoting and coordinating public safety, economic growth, and cultural activities. The District has entered into various contracts for improvements to the public right-of-way and a maintenance agreement is required to address these improvements.			
DESCRIPTION/SCOPE: The improvements installed by the District include street furniture, landscaping, irrigation systems, brick pavers, street signs, plantings, way finding signs, and various enhancements to the streetscape.			
LOCATION: The District encompasses an area in northwest Houston City limits and part of unincorporated Harris County. The improvements are located in an area bounded by SH 249/ W. Montgomery Rd, to the north, T.C Jester to the east, Pinemont to the south, and Hollister to the west. Key Map reference pages are: 410 and 411.			
SCOPE OF THIS AGREEMENT: The City, through the Municipal Code of Ordinances, requires abutting property owners to maintain improvements in the public right of way including trimming trees, controlling weeds between the private property line and the curb in the right of way, repairing sidewalks, curbs and gutters, and maintaining facilities associated with individual vault right easements. The City has agreed to allow the District to place improvements within the City right-of-way with the understanding that the District will maintain these improvements. However the District will not assume the maintenance requirements of abutting property owners. This Agreement establishes the respective duties and obligations of the District and the City of Houston concerning the ownership, operation, maintenance, repair, and replacement of these Improvements.			
REQUIRED AUTHORIZATION CUIC ID# 20CAE36			
Finance Department:	Other Authorization:  Andrew F. Icken., Deputy Director Planning and Development Services Division	Other Authorization:  Eric Dargan, Deputy Director Right-of-Way and Fleet Maintenance Division	

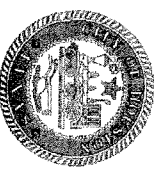
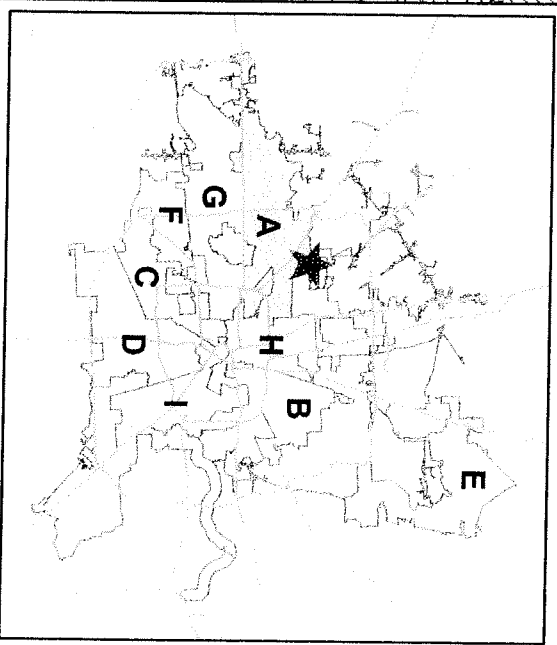


Near Northwest Management District

Legend

- Railroad
- Near Northwest MD
- Waterways
- City of Houston



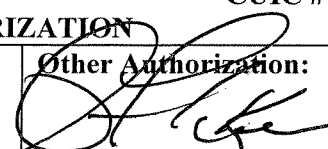
Locational Map



This map represents the best information available to the City.
 The City does not warrant its accuracy or completeness.
 Field verifications should be performed as necessary.

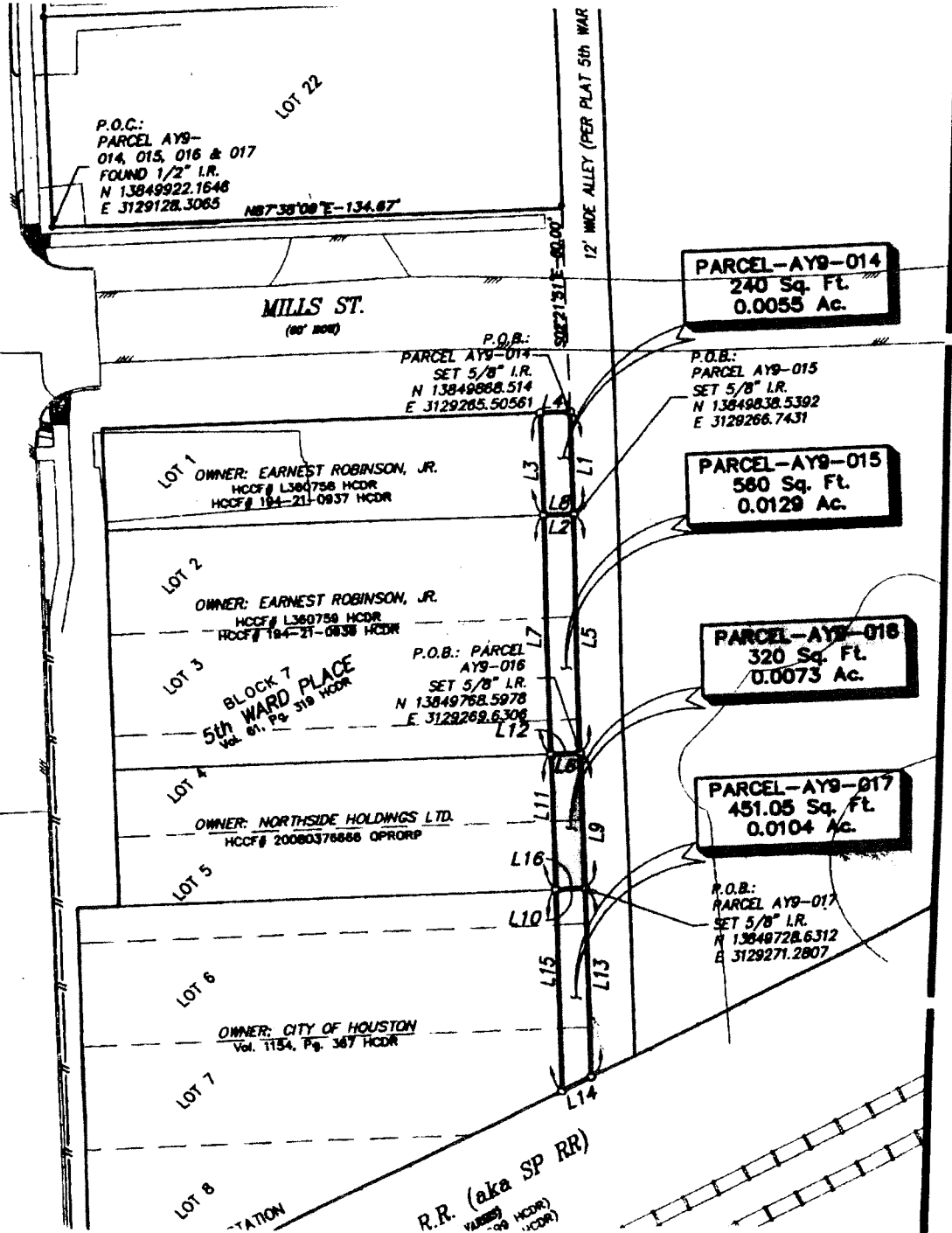
To: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Recommendation that an ordinance for the JENSEN DRIVE PUMP STATION #1 PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. WBS M-000241-0003-2-01		Page 1 of 1	Agenda Item # 33
FROM: (Department or other point of origin): Department of Public Works and Engineering		Origination Date 5-9-09	Agenda Date MAY 13 2009
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D. WRE, BCEE, Director		Council District affected: B Key Map 494E	
For additional information contact: Nancy P. Collins Phone: (713) 837-0881 Senior Assistant Director 		Date and identification of prior authorizing Council Action: Ordinance 2007-698, passed June 13, 2007	
RECOMMENDATION: (Summary) An ordinance for the JENSEN DRIVE PUMP STATION #1 be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation.			
Amount and Source of Funding: No additional funding required (covered under Blanket Appropriation Ordinance 2007-698, M-00126A-00RE-2-01 Storm Sewer Consolidated Construction Fund 4505)			
SPECIFIC EXPLANATION: The Department of Public Works and Engineering is requesting that an ordinance for the JENSEN DRIVE PUMP STATION #1 PROJECT be passed approving and authorizing the acquisition of parcels by dedication, purchase, or condemnation. This project is part of the Stormwater Capital Improvements Program that provides for drainage improvements at (13) grade separations throughout the City. This project will provide for the construction of a 20 foot wide vehicular access roadway to the Jensen Drive pump station, which will allow improved access for maintenance, inspection and repair to this pump station. This action authorizes payment for costs of land purchases/condemnations, appraisal fees, title policies/services, recording fees and other acquisition costs in connection with negotiations to settle purchases; finds a public necessity for the project; and approves and authorizes the condemnation of the land and improvements thereon. If negotiations to acquire the property cannot be concluded as a purchase or for any reason for which acquisition by condemnation is warranted, this action authorizes the City Attorney to file or cause Eminent Domain proceedings to be filed and acquire rights-of-way and easements for said purposes and authorizes payment for the Award of Special Commissioners and court costs associated with condemnation proceedings. Payments for purchase considerations that exceed the spending authority threshold set by State law will be submitted to City Council as they are finalized. This will expedite the process of acquiring land in support of the JENSEN DRIVE PUMP STATION #1 PROJECT. MSM:NPC:jc S:CAVAZOS\projects\Jensen Pump Station\RCAblanket.doc cc: Marty Stein			
CUIC # 20JIC01A			
REQUIRED AUTHORIZATION			
Finance Department:	Other Authorization:	Other Authorization:  Andrew F. Icken, Deputy Director Planning and Development Services Division	

JENSEN DR.
(per plat)

JENSEN DR.
(per plat)



NORTH ↑

SUBJECT: Professional Engineering Services Contract between the City and HNTB Corporation for Generic Citywide Asphalt Overlay Project.
W.B.S. No. N-001037-0052-3

Page
1 of 2

Agenda Item #

34

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

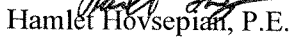
4-30-09

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:Michael S. Marcotte, P.E., D.WRE, BCEE
4/23/09**Council District affected:**

All RA

For additional information contact:
Hamlet Hovsepian, P.E.

Phone: (713) 837-7033

Interim Senior Assistant Director

Date and identification of prior authorizing Council action:**RECOMMENDATION: (Summary)**

Approve Engineering Services Contract with HNTB Corporation and appropriate funds.

Amount and Source of Funding: \$500,000.00 from METRO Project Commercial Paper Series E Fund (4027).

M.P. 4/22/09

DESCRIPTION/SCOPE: This project is part of the Citywide Overlay Program and consists of the design of resurfacing of streets with an asphalt overlay. The work focuses on streets which have deteriorated to a point that an overlay and possible repair are required to improve and maintain a safe road surface. The Consultant will also be responsible for evaluating the candidate streets for compliance with the current Americans with Disabilities Act (ADA) requirements.

LOCATION: The project area is located throughout the City.

SCOPE OF CONTRACT AND FEE: Under the terms of the Contract, the Consultant will perform Final Design Services consisting of development of construction drawings and bid packages for award of asphalt overlay contracts. Negotiations by this Department with the Consultant have resulted in a Basic Services Fee of \$400,000. The Contract also includes certain Additional Services to be paid on a reimbursable basis. These Additional Services are currently anticipated to include Pavement Condition Evaluation, ADA Compliance Assessment, Pavement Striping and Marking, and Reproduction Services. The total Additional Services Fee for this Contract is \$100,000.00.

The total cost of this project is \$500,000.00 to be appropriated as follows: \$400,000.00 for Basic Services and \$100,000.00 for Additional Services.

REQUIRED AUTHORIZATION

20-CUIC#RA07A

NDT

Finance Department:**Other Authorization:****Other Authorization:**Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	SUBJECT: Professional Engineering Services Contract between the City and HNTB Corporation for Generic Citywide Asphalt Overlay Project. W.B.S. No. N-001037-0052-3	Originator's Initials <i>RA</i>	Page 2 of 2
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PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24.00%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Chief Solutions, Inc.	Sanitary sewer evaluation / staffing assistance	\$5,000.00	1.0%
2. Zarinkelk Engineering Services, Inc.	Various engineering design services	\$100,000.00	20.0%
3. Rahaman and Associates, Inc., DBA Western Group Consultants	Topographic surveying, miscellaneous parcel services, staffing assistance	\$5,000.00	1.0%
4. HVJ Associates, Inc.	Geotechnical investigations / technical advising	\$5,000.00	1.0%
5. B & E Reprographics, Inc.	Document reproduction	\$10,000.00	2.0%
6. Accessibility Check	TDLR/ADA compliance and registration	\$50,000.00	10.0%
TOTAL		\$175,000.00	35.0%

MSM:DRM:HH:FOS:MW:RA
MSM:DRM:HH:FOS:MW:RA

S:\design\A-NP-DIV\Overlay\HNTB N-001037-0052-3\1.0 Design Contract\1.2 RCA\RCA.doc

c: Marty Stein
Susan Bandy
Velma Laws
Craig Foster
File: 1.2 RCA

SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and MDA Engineers, Inc. for Water Line Grid Extensions along Bellfort, Richmond, Reed, West Tidwell, Griggs & Brock, WBS No. S-000700-0063-4 and provide Project Coordination Services as City of Houston Light Rail Coordinator. WBS Nos. S-000521-0048-4, R-000521-0048-4, M-000220-0004-3, and N-000668-0013-3.

Page
1 of 2

Agenda Item #

35

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5-9-09

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

Michael S. Marcotte, P.E., D. WRE, BCEE, Director

Council District affected:

D, G, H, I

For additional information contact:

J. Timothy Lincoln, P.E.

Senior Assistant Director

Phone: (713) 837-7074

Date and identification of prior authorizing Council action: N/A

RECOMMENDATION: (Summary) Approve Professional Construction Management and Inspection Services and Project Coordination Services Contract with MDA Engineers, Inc. and appropriate funds.

Amount and Source of Funding: \$320,000.00 from Water & Sewer System Consolidated Construction Fund No. 8500, \$45,000.00 from Drainage Improvement Commercial Paper Series F, Fund No. 4030 and \$45,000.00 from Street and Bridge Consolidated Construction Fund No. 4506.

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's water line replacement program and is required to replace and upgrade water lines within the City to increase circulation and availability of water. Project coordination service is for liaison with the Metropolitan Transit Authority (METRO) as the City of Houston's Light Rail Coordinator.

DESCRIPTION/SCOPE: This Contract provides for Construction Management and Inspection Services for the Construction Branch of the Department of Public Works and Engineering in connection with the water line replacement projects. This Contract also provides for Project Coordination Service.

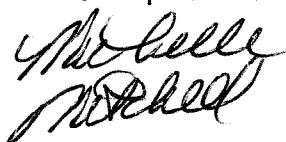
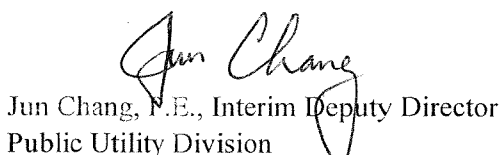
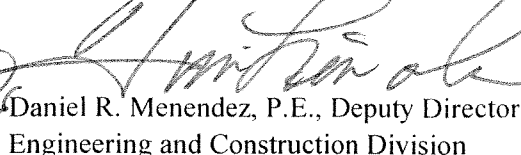
LOCATION: The project area is along Bellfort, Richmond, Reed, West Tidwell, Griggs and Brock. The project is located in the Key Map grids 533-X, 489-W & X, 572-D, 571-F, and 534-F, G & H.

SCOPE OF CONTRACT AND FEE: This is a work order contract that will provide Construction Management and Inspection Services, including contract administration, processing pay estimates, coordinating schedules, evaluating proposals and change orders, site representation, inspection, document control, project closeout, and other tasks requested by the Director of the Department of Public Works and Engineering. Construction Project Manager shall provide a Project Coordinator to serve as METRO Light Rail Coordinator (MRC) agent for the City of Houston. The MRC shall coordinate between the City and METRO concerning the engineering and construction of light rail segments involving City and METRO. The MRC shall facilitate communication between the City and METRO regarding the City's positions concerning light rail segments, and shall protect the City's interest concerning such light rail segments.

The requested appropriation will provide for Construction Management and Inspection Services in the amount of \$230,000.00 and for Project Coordination Services in the amount of \$180,000.00.

REQUIRED AUTHORIZATION

CUIC ID # 20MZQ031

Finance Department:**Other Authorization:**
Jun Chang, P.E., Interim Deputy Director
Public Utility Division**Other Authorization:**
Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

NOT

Date:	SUBJECT: Professional Construction Management and Inspection Services Contract between the City of Houston and MDA Engineers, Inc. for Water Line Grid Extensions along Bellfort, Richmond, Reed, West Tidwell, Griggs & Brock, WBS No. S-000700-0063-4 and provide Project Coordination Services as City of Houston Light Rail Coordinator. WBS Nos. S-000521-0048-4, R-000521-0048-4, M-000220-0004-3, and N-000668-0013-3.	Originator's Initials	Page 2 of 2
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PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE PARTICIPATION: MDA Engineers, Inc. has proposed the following firms to achieve the 24% M/WBE goal for the construction management and inspection services:

<u>NAME OF FIRM</u>	<u>WORK DESCRIPTION</u>	<u>AMOUNT</u>	<u>%</u>
1. Brian Smith Construction Inspection, Inc.	Inspection/Administrative Services	\$32,800.00	8.0%
2. IDCUS, Inc.	Inspection/Administrative Services	\$32,800.00	8.0%
3. Othon, Inc.	Inspection/Administrative Services	\$32,800.00	8.0%
Total		\$98,400.00	24.0%





MSM:DRM:JTL: LS:mq

S:\E&C Construction\East Sector\CMs\Menendez (08 Water)\RCA-2 - Revised.DOC

C: File No. Admin – MDA Engineers, Inc.

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Amendment to Professional Engineering Services Contract between the City and Omega Engineers, Inc. for Negotiated Work Orders for Study of Storm Drainage Systems WBS No. M-000126-00S4-3		Page 1 of 2	Agenda Item # 36
From: (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5-8-09	Agenda Date MAY 13 2009	
Director's Signature:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: All 		
For additional information contact:  Hamlet Hovsepian, P.E. Phone: (713) 837-7033 Interim Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance No.: 2005-391- April 20, 2005 Ordinance No.: 2007-1450 - December 12, 2007		
Recommendation: (Summary) Approve Amendment of Professional Engineering Services Contract.			
Amount and Source of Funding: No Funds Required Previous (original) funding of \$330,000.00 from Storm Water Fund No. 227 and \$150,000.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 4030.			
SPECIFIC EXPLANATION: This Contract provides professional engineering services for negotiated work orders to address storm water drainage issues citywide. This amendment for one year of additional time will allow for the completion of additional local drainage projects.			
PROJECT DESCRIPTION/SCOPE: This project is part of the Storm Drainage Capital Improvement Plan and is required to provide professional engineering services to address local drainage improvements and maintenance of the storm sewer system citywide.			
LOCATION: The project location and limit is determined and defined by each work order..			
PREVIOUS HISTORY AND SCOPE: The Contract was awarded by Council on April 20, 2005 with a two-year term with two one-year extensions. The first extension was exercised on April 11, 2007 the second and final extension was exercised on April 17, 2008. Additional time is required for the completion of additional local drainage projects. Under the terms of the Contract, the Consultant provides Screening (Preliminary Design), Final Design, Construction Phase Basic Services, and Additional Services as defined by the work order for various local drainage projects.			
REQUIRED AUTHORIZATION		CUIC ID #20CH10	
Finance Department:	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

SUBJECT: Amendment to Professional Engineering Services
Contract between the City and Omega Engineers, Inc. for
Negotiated Work Orders for Study of Storm Drainage Systems
WBS No. M-000126-00S4-3

**Originator's
Initials**



**Page
2 of 2**

SCOPE OF THIS AMENDMENT AND FEE: The requested one year of additional time will provide continuous professional engineering services to accomplish the following tasks: Screening (Preliminary Design), Final Design, Construction Phase Basic Services, and Additional Services as defined by the work order. The Basic and Additional Services Fee for each work order is negotiated based on the scope of services required. Additional Services include, but are not limited to, site assessment, surveying, geotechnical and environmental services. No additional funds are required




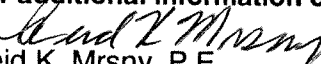


MSM:DRM:HH:HJ:DS:CH\klw

S:\design\A-sw-div\WPDATA\LOCAL DRAINAGE PROJECTS\X - OMEGA\On-Call Design C56956\RCA Omega amend.doc

C: Marty Stein
Susan Bandy
Velma Laws
Gary Drabek
Craig Foster
File No. WBS M-000126-00S4-3 (1.2)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Additional Appropriation of Professional Engineering Services Contract between the City of Houston and Jaymark Engineering Corporation for Hayes Street Reconstruction from Westheimer to Briar Forest. W.B.S. No. N-000780-0001-3.		Page 1 of 2	Agenda Item # 37
FROM: (Department or other point of origin): Department of Public Works and Engineering	Origination Date: 5-8-09	Agenda Date: MAY 13 2009	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE	Council District affected: G JK MTZ		
For additional information contact:  Reid K. Mersny, P.E. Senior Assistant Director Phone: (713) 837-0452	Date and identification of prior authorizing Council action: Ordinance No. 2003-584; Date 06-18-2003		
RECOMMENDATION: (Summary) Approve an Ordinance appropriating additional funds for Engineering Services Contract with Jaymark Engineering Inc.			
Amount and Source of Funding: \$121,524.00 from the Street and Bridge Consolidated Construction Fund No. 4506 original (previous) appropriation of \$452,299.00 for design from the Street & Bridge Consolidated Fund No. 437. <i>M.P. 4/22/09</i>			
PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Bridge Capital Improvement Plan (CIP). This project was designed to improve the traffic flow/circulation, improve the major thoroughfare and meet City of Houston standards.			
DESCRIPTION/SCOPE: This project was designed with 7-inch reinforced concrete undivided roadway section with four 10-foot lanes with concrete curb and gutters, storm sewers, sanitary sewers, water lines, sidewalks, wheelchair ramps, driveways, street lighting and necessary underground utilities. The project length is approximately 3,700 linear feet of new pavement and currently in construction.			
LOCATION: The project is bounded by Briar Forest Drive to the north, Westheimer to the south, Wilcrest Drive to the east and Kirkwood Drive to the west. The project is located in Key Map Grids 489-P and 489-T.			
PRIVIOUS HISTORY AND SCOPE: The original Contract was approved by Ordinance No. 2003-584 and included design services for the Hayes Street paving project from Westheimer to Briar Forest. The scope of service in the original contract consisted of Basic Services, (i.e. Preliminary Design, Final Design and Construction Phase services) and various Additional Services. Under this contract the consultant has completed 100% of Phase I- Preliminary Design, Phase II- Final Design and Additional Services. The project is now in Phase III- Construction Phase Services.			
SCOPE OF ADDITIONAL APPROPRIATIONS: The requested additional appropriation is necessary to supplement the consultant's fees in accordance with Section 3.1 and 3.2 of the contract. An adjustment of the Basic Service fees are recomputed based on the construction cost. For the purpose of this contract, the original Basic Services fee of \$243,697.00 was computed using the City of Houston modified Curve "A" of the "Curves of Median Compensation" included in the contract as Exhibit F and the estimated construction cost of \$3,633,000.00			
REQUIRED AUTHORIZATION Finance Department		CUIC ID#20MR63 Other Authorization: <i>MA</i>	
		 Daniel R. Menendez P.E. Deputy Director Engineering and Construction	

SUBJECT: Additional Appropriation of Professional Engineering Services Contract between the City of Houston and Jaymark Engineering Corporation for Hayes Street Reconstruction from Westheimer to Briar Forest.
W.B.S. No. N-000780-0001-3.

**Originator's
Initials**

MR

**Page
2 of 2**

Upon an adjustment to the Agreed Estimate based on the revised construction cost of \$5,851,831.00, the Basic Service Fees would be computed using the City of Houston Modified Curve "A" for the amount of \$413,660.00. Since the required fee adjustments only apply to Phase II & III, the recalculated basic Services fee is \$268,879.00. A total amount of \$158,403.00 was initially appropriated for Phase II & III. The fee adjustments for the Basic Service Fees were negotiated in the amount of \$110,476.00.

The total requested appropriation is \$121,524.00 to be appropriated as follows \$110,476.00 for Contract Basic Services and \$11,048.00 for project Management.

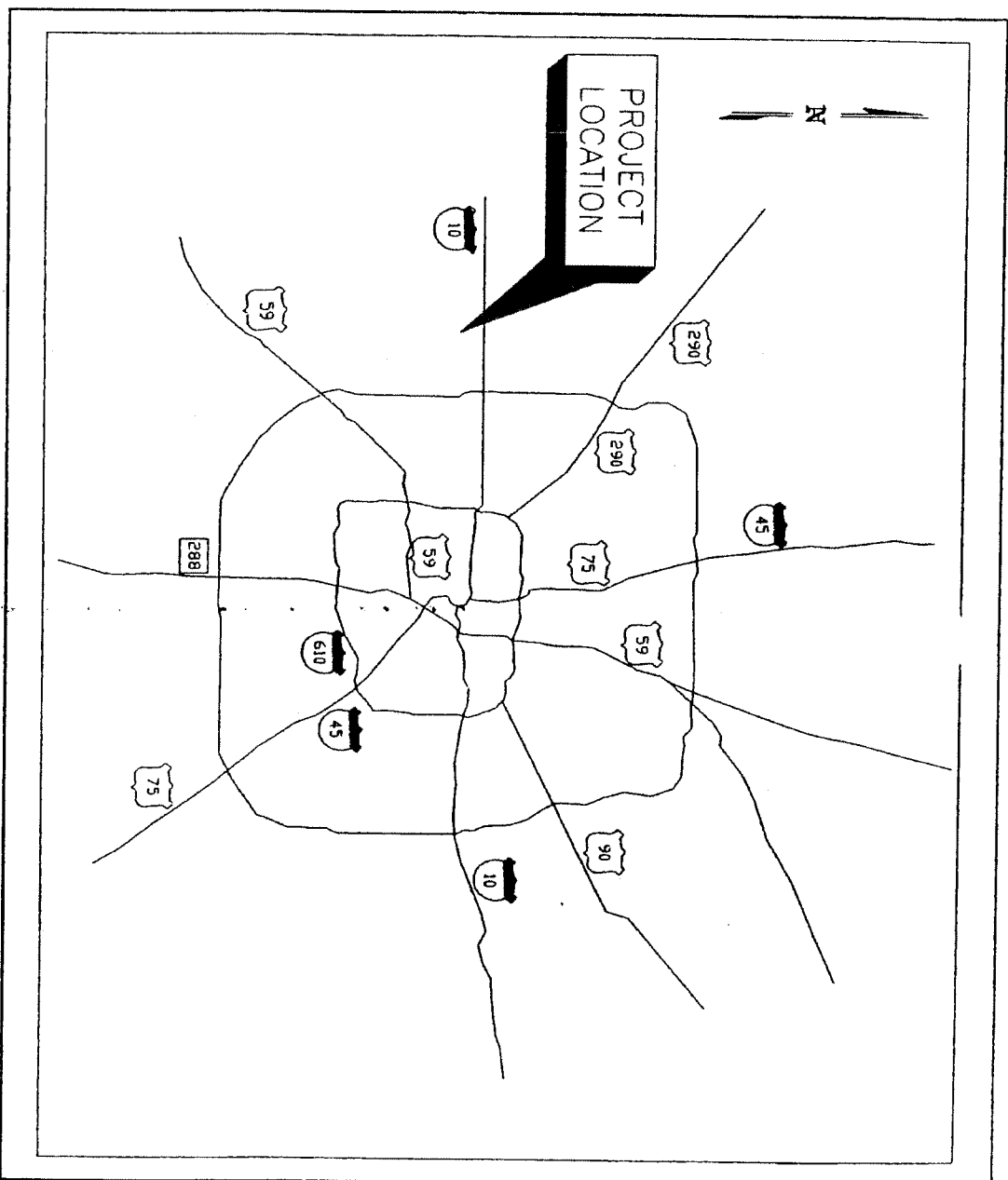
M/WBE INFORMATION: The M/WBE goal established for this project 24%. The original Contract amount was \$411,181.00. The consultant has been paid \$367,940.74(89.48%). Of this amount \$ 87,022.37(23.65%) has been paid to M/WBE sub consultant to date. Assuming approval of the requested additional appropriation, the Contract amount will be increased to \$521,657.00 The consultant proposes the following program to meet the M/WBE goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Prior to MWBE Work	Various Services	\$87,022.37	16.68%
2. Quadrant Consultants, Inc.	Traffic Control Drawings	\$25,462.00	4.88%
3. DSD Design & Drafting	Drafting Services	<u>\$20,833.00</u>	<u>3.99%</u>
	Total	\$133,317.37	25.55%

MSM:DRM:RKM:JHK:MR:cd

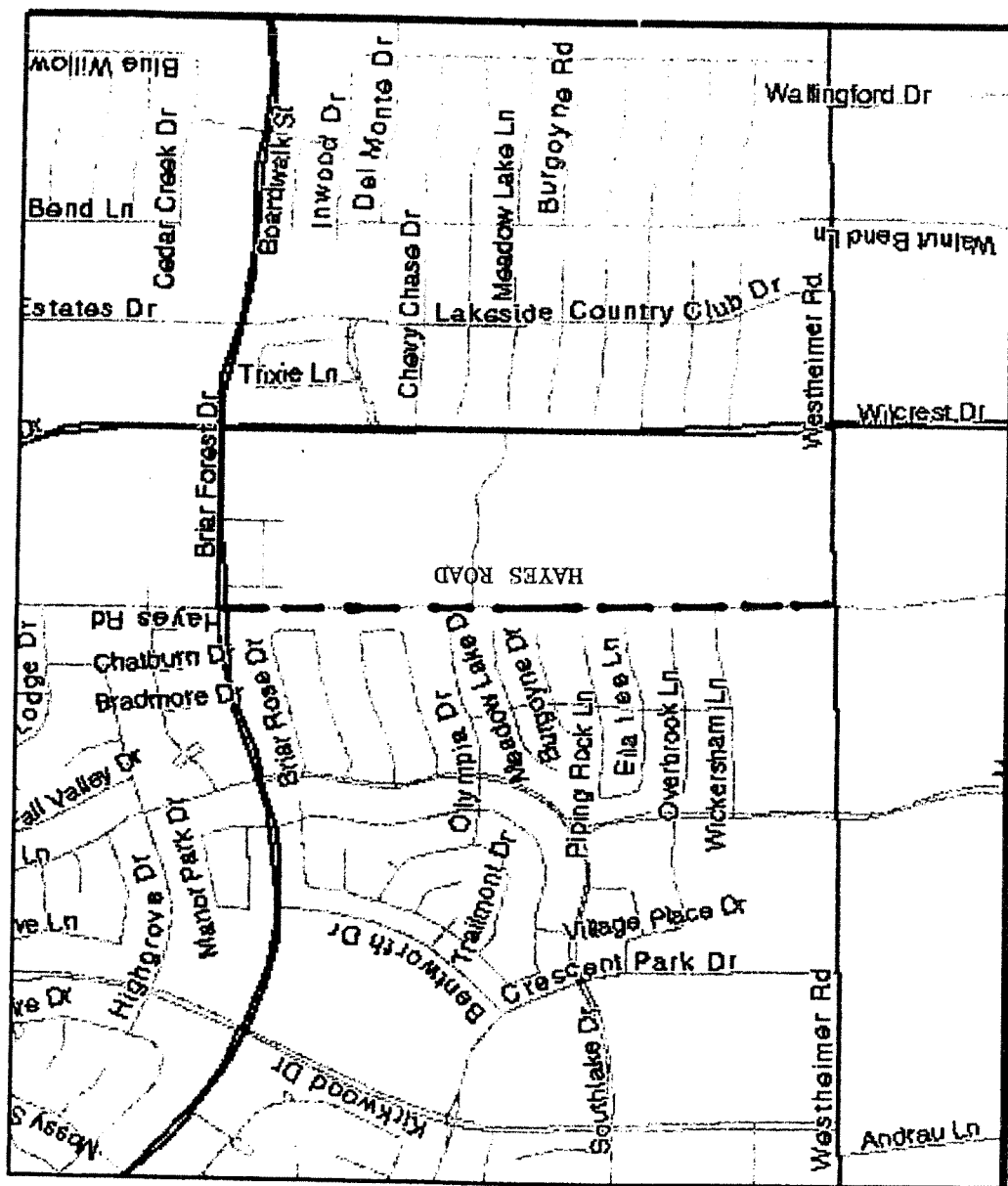
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c: Marty Stein
Velma Laws
Craig Foster



LOCATION MAP

**HAYES STREET
RECONSTRUCTION PROJECT**
GFS No. N-0780-01-1
(Key Map 489P & 489T)
Council District G



VICINITY MAP
HAYES STREET
RECONSTRUCTION PROJECT
GFS No. N-0780-01-1
(Key Map 489P & 489T)
Council District G

SUBJECT: Third Amendment and Additional Appropriation to Professional Engineering Services Contract between the City and HDR Engineering, Inc. (Previously Claunch & Miller, Inc.) for Neighborhood Street Reconstruction (NSR) Project 446A, WBS No. N-000378-0002-3 and NSR Project 457, WBS No. N-000392-0001-3

Page
1 of 2

Agenda Item #

38

FROM (Department or other point of origin):

Department of Public Works and Engineering

Origination Date

5-8-09

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

Michael S. Marcotte
Michael S. Marcotte, P.E., D.WRE, BCEE

Council District affected:

C

mw

For additional information contact:

Hamlet Hovsepian, P.E. Phone: (713) 837-0452
Interim Senior Assistant Director

Date and identification of prior authorizing Council action:

Ord. No. 2005-392	Date: 04/20/05
Ord. No. 2006-432	Date: 05/03/06
Ord. No. 2008-561	Date: 06/18/08
Ord. No. 2008-882	Date: 10/08/08

RECOMMENDATION: (Summary)

Approve third amendment and appropriated funds.

Amount and Source of Funding: \$835,000.00 from the Street and Bridge Consolidated Construction Fund No. 4506 (Previous original appropriation of \$583,000.00 and subsequent additional appropriations of \$1,111,249.14 from Street and Bridge Consolidated Construction Fund No. 4506 (437) and \$399,430.90 from the Limited Use Roadway and Mobility Capital Fund No. 4034. *K.P. 4/28/09*

PROJECT NOTICE/JUSTIFICATION: This project is part of the Neighborhood Street Reconstruction (NSR) Program. This program is required to improve the condition of residential streets in addition to enhancing the quality of life in the neighborhoods.

DESCRIPTION/SCOPE: This project consists of the design of neighborhood street reconstruction. The proposed improvements will consist of concrete roadway with curbs, sidewalks and underground utilities, as required.

LOCATION: The streets included in NSR 446A project are listed below:

<u>Street</u>	<u>Limit</u>	<u>Key Map Grid</u>	<u>Council District</u>
1. Cloverdale	Latma to Timberside	532N,P	C
2. Durhill	Latma to Timberside	532N,P	C
3. Elmridge	Latma to Timberside	532N,P	C
4. Kapri	Latma to Murworth	532N	C
5. Latma Court	Latma to Cul-de-Sac	532N	C
6. Latma Dr.	Stella Link to Westridge	532N,P	C
7. Marlive	Latma to Murworth	532N	C
8. Murworth	Silver Spring to Linkmeadow	532N	C
9. Silver Spring	Latma to Murworth	532N	C
10. Timberside	IH 610 to Durhill	532P,T	C

PREVIOUS HISTORY AND SCOPE: City Council approved the original contract on April 20, 2005 by Ordinance No.2005-392. The scope of services under the original contract consisted of professional engineering services for the design of NSR 446, including Phase I Preliminary Design, Phase II Final Design, Phase III Construction Phase Services and Additional Services.

REQUIRED AUTHORIZATION

CUIC# 20MKW19A

Finance Department:

Michelle Mitchell

Other Authorization:

Other Authorization:

Daniel R Menendez
Daniel R Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	SUBJECT: Third Amendment and Additional Appropriation to Professional Engineering Services Contract between the City and HDR Engineering, Inc. (Previously Claunch & Miller, Inc.) for Neighborhood Street Reconstruction (NSR) Project 446A, WBS No. N-000378-0002-3 and NSR Project 457, WBS No. N-000392-0001-3	Originator's Initials <i>Ymw</i>	Page 2 of 2
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The City Council approved the first amendment on May 3, 2006 by Ordinance No. 2006-0432. The scope of services under the first amendment consisted of professional engineering services for the design of an additional project, NSR 457, including Phase I Preliminary Design, Phase II Final Design, Phase III Construction Phase Services and Additional Services. Additional funds for Additional Services were also appropriated for NSR 446.

The City Council approved the second amendment on June 18, 2008 by Ordinance No. 2008-561. The scope of services under the second amendment consisted of professional engineering services for the design of an additional project, "Morningside Reconstruction". Under the terms of the contract, the scope of services included: Phase I Preliminary Design, Phase II Final Design, Phase III Construction Phase Services and Additional Services.

The City Council approved an appropriation on October 8, 2008 by Ordinance No. 2008-882 to compensate the Engineer for changes in project scope made during Phase I. The changes to the scope of services consisted of professional engineering services to complete the design of NSR 457. Under the terms of the contract, the scope of services included: Phase I Preliminary Design, Phase II Final Design, Phase III Construction Phase Services and Additional Services. The stated project is currently in Phase II Preliminary Engineering and is expected to be ready to bid for construction in December 2009.

SCOPE OF THIS SUPPLEMENT AND FEE: The requested additional appropriation will fund the assignment of an additional project, NSR 446A. Under the scope of the Contract, the Consultant will perform Phase I Preliminary Design, Phase II Final Design, Phase III Construction Phase Services and Additional Services. Basic Services Fee for Phase I is based on cost of time and materials with a not-to-exceed agreed upon amount. The Basic Services Fee for Phase II and Phase III will be negotiated in a lump sum amount on reimbursable basis after the completion of Phase I. The negotiated maximum for Phase I Basic Services Fee for NSR 446A is \$80,643.00. The total Basic Services appropriation is \$527,116.00.

The Contract also includes certain Additional Services to be paid either as lump sum or on a reimbursable basis. The Additional Services include surveying, geotechnical investigation, environmental assessment, traffic control, signal design, tree protection, and storm water pollution prevention. The total Additional Services appropriation is \$225,156.00.

An additional \$10,000.00 is needed for NSR 457, to pay for additional surveying due to a change in road elevation as a result of new construction completed under NSR 448.

The total cost for this project is \$835,000.00 to be appropriated as follows: \$762,272.00 for Contract services and \$72,728.00 for project management.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24%. The original Contract and amendments to date total \$1,837,012.66. The consultant has been paid \$946,288.13 (51.51%) to date. Of this amount \$458,636.13 (48.47%) has been paid to M/WBE sub-consultants to date. With this requested additional appropriation the new total will be \$2,599,284.66. The consultant proposes the following program to meet the goal:

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Prior M/WBE Participation		\$458,636.13	17.64%
2. Landtech Consultants, Inc.	Surveying	\$100,574.00	3.87%
3. Associated Testing Laboratories, Inc.	Geotechnical/Environmental	\$46,875.00	1.80%
4. Isani Consultants, Inc.	Traffic/Lighting/Design	\$42,500.00	1.64%
TOTAL		\$648,585.13	24.95%

MSM

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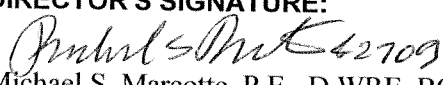

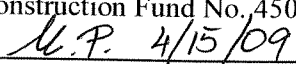
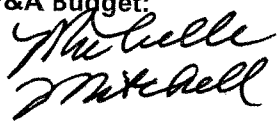

c: Marty Stein Velma Laws Craig Foster
File No. N-000378-0002-3



LEGEND:
NSR 446-A
CIP No. N-0378-02

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Appropriation for Professional Engineering Services Contract between the City and AECOM USA Group, Inc. (fka TCB Inc.) for design of Greens Road from Aldine Westfield to John F. Kennedy Boulevard. WBS No. N-000686-0001-3		Page 1 of 2	Agenda Item # 39
FROM (Department or other point of origin): Department of Public Works and Engineering	Origination Date 5-8-09	Agenda Date MAY 13 2009	
DIRECTOR'S SIGNATURE:  Michael S. Marcotte, P.E., D.WRE, BCEE, Director	Council District affected: B JK TC		
For additional information contact:  Reid K. Mersny, P.E. Senior Assistant Director	Date and identification of prior authorizing Council action: Ordinance No. 2001-0503; 06/06/2001 Ordinance No. 2004-0483; 05/19/2004		
RECOMMENDATION: (Summary) Approve Engineering Services Contract with AECOM USA Group, Inc. and appropriate funds.			
Amount and Source of Funding: \$219,101.00 from the Street & Bridge Consolidated Construction Fund No. 4506  4/15/09			
PROJECT NOTICE/JUSTIFICATION: This project is part of the Street and Traffic Capital Improvement Program (CIP) and is required to improve traffic flow/circulation, reduce congestion, and eliminate potential hazards. This project consists of the design of approximately 8,500 feet of roadway widening with raised median, curbs, sidewalks, street lighting, and necessary storm sewer and underground utilities on Greens from Aldine Westfield to John F. Kennedy Boulevard.			
LOCATION: The project is generally located along Greens Road bound by Aldine Westfield on the west and John F. Kennedy Boulevard on the east. This project is located on Key Map grids 373 R, and 374 N and P.			
PREVIOUS HISTORY AND SCOPES: Under the original contract approved by the City Council on May 19, 2004, the consultant has completed the preliminary engineering phase including schematic layout, field survey, drainage study, right-of-way (ROW) mapping and public meeting/hearing based on a 120 feet ROW as required by TxDOT. As the City's Major Thoroughfare and Freeway Plan calls for a 100 feet ROW along this section of Greens Road, the project was put on hold pending the outcome of negotiations with TxDOT. The original Engineering Services Contract expired on October 14, 2006.			
SCOPE OF CONTRACT AND FEE: The City of Houston and The Texas Department of Transportation (TxDOT) have come to an agreement to reduce the proposed ROW to 100 feet according to the current City of Houston Major Thoroughfare and Freeway Plan. Additional work is required due to the revisions and new alternatives as negotiated with TxDOT to meet the federal funding agreement. Under the terms of the renewed contract, the consultant will perform necessary revisions and updates on the preliminary engineering and environmental assessment including diagrammatic layout, drainage study, archeological survey and public meetings. Negotiations by this Department with the consultant have resulted in a lump sum fee of \$199,183.00.			
REQUIRED AUTHORIZATION CUIC ID #20TC724A			
F&A Budget: 	Other Authorization:	Other Authorization:  Daniel R. Menendez, P.E., Deputy Director Engineering and Construction Division	

NOT

Date	SUBJECT: Appropriation for Professional Engineering Services Contract between the City and AECOM USA Group, Inc. (fka TCB, Inc.) for design of Greens Road from Aldine Westfield to John F. Kennedy Boulevard. WBS No. N-000686-0001-3	Originator's Initials TC TL	Page <u>2</u> of <u>2</u>
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The total cost of the project is \$219,101.00, to be appropriated as follows: \$199,183.00 for contract services and \$19,918.00 for project management.

City Council approved a cost sharing agreement with TxDOT on 06/06/01 to provide the federal share of the funding required for the preliminary engineering of the project. The federal share for preliminary engineering of the project is eighty percent (80%) of the total eligible cost of the preliminary engineering. The City is responsible for the remaining twenty percent (20%) and any non-federal participation cost associated with the project. TxDOT will reimburse the cost for its 80% share on a percentage of completion bases.

M/WBE INFORMATION: The M/WBE goal for the project is set at 24.00%. The Consultant has proposed the following firms to achieve this goal.

<u>Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Total Contract</u>
1. Quadrant Consultants, Inc.	Archeological & Environmental	\$71,115.00	35.70%
2. B&E Reprographics, Inc.	Reproduction and Eng. Support	\$2,500.00	1.26%
TOTAL		\$73,615.00	36.96%


MSM:RKM:JK:TC
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c: Marty Stein
Velma Laws
Craig Foster
(1.2 DSGN_RCA)

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Edloe Storm Drainage Improvements Project Segment 2
WBS No. M-000253-0002-4; WBS No. N-000383-0003-4;
WBS No. R-000500-0077-4; WBS No. S-000500-0077-4

Page
1 of 2

Agenda Item #

40

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

5-9-09

Agenda Date:

DIRECTOR'S SIGNATURE:



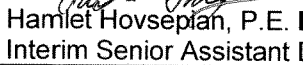
Michael S. Marcotte, P.E., D.WRE, BCEE

Council District affected: C

MS

MS

For additional information contact:


Hamlet Hovsepian, P.E. Phone: (713) 837-7033
Interim Senior Assistant Director

**Date and identification of prior authorizing
Council action:**

RECOMMENDATION: (Summary)

Accept low bid, award Construction Contract and appropriate funds.

Amount and Source of Funding: \$8,038,100.00

\$ 3,597,810.00 from the Drainage Improvements Commercial Paper Series F, Fund No. 4030

\$ 3,163,290.00 from the Street and Bridge Consolidated Construction Fund No. 4506

\$ 1,277,000.00 from Water and Sewer System Consolidated Construction Fund No. 8500

M.P. 4/27/09

PROJECT NOTICE/JUSTIFICATION: This project is part of the Storm Drainage Capital Improvement Plan (CIP) and is required to provide drainage improvements to alleviate flooding due to insufficient pipe capacity in this subdivision.

DESCRIPTION/SCOPE: This project consists of approximately 10,346 linear feet of 66-inch, 42-inch, 36-inch, 30-inch, 24-inch storm sewers, 1,920 linear feet of 15-inch, 12-inch, 8-inch sanitary sewers, 15,773 linear feet of 8-inch waterline, and concrete roadway reconstruction with curb and gutter.

The contract duration for this project is 475 calendar days. This project was designed by AECOM.

LOCATION: The project area is generally bounded by Underwood Street to the south, Gramercy Street to the north, Buffalo Speedway to the east and Braes Boulevard to the west. The project is located in Key Map Grid 532-E, F, J, K.

BIDS: Bids were received on March 5, 2009. The eleven (11) bids are as follows:

Bidder

Bid Amount

1.	Pace Services, LP	\$ 6,843,952.15
2.	SER Construction Partners, LTD	\$ 7,263,955.00
3.	Metro City Construction, L.P	\$ 7,629,440.65
4.	Reytec Construction Resources, Inc.	\$ 7,976,036.25
5.	Beyer Construction, LLP	\$ 8,053,882.70
6.	Triple B Services, LLP	\$ 8,388,315.45
7.	Texas Sterling Construction LP	\$ 8,525,355.00
8.	TJ & T Enterprises, Inc.	\$ 8,628,191.00
9.	C.E. Barker, LTD	\$ 8,740,870.69
10.	Conrad Construction, Co.	\$ 8,992,790.55
11.	Total Contracting, LTD	\$ 9,453,498.00

REQUIRED AUTHORIZATION

CUIC# 20MS98

Finance Department:



Other Authorization:

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

Date	Subject: Contract Award for Edloe Storm Drainage Project Segment 2 WBS No. M-000253-0002-4; WBS No. N-000383-0003-4 WBS No. R-000500-0077-4; WBS No. S-000500-0077-4	Originator's Initials <i>ms</i>	Page 2 of 2
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AWARD: It is recommended that this Construction Contract be awarded to Pace Services, LP with a low bid of \$6,843,952.15 and that Addenda Numbers 1 and 2 be made a part of this Contract.

PROJECT COST: The total cost of this project is \$8,038,100.00 to be appropriated as follows:

• Bid Amount	\$ 6,843,952.15
• Contingencies	\$ 342,198.00
• Engineering and Testing Services	\$ 260,000.00
• Project Management	\$ 136,949.85
• Construction Management	\$ 455,000.00

Engineering and Testing Services will be provided by QC Laboratories, Inc. under a previously approved Contract.

Construction Management Services will be provided by Lockwood, Andrews, and Newnam, Inc. under a previously approved Contract.

Bonus of early completion is \$90,000.00. This represents the number of days between the contract substantial completion date and the early completion date, 60 calendar days maximum, multiplied by \$1,500.00 per day. The actual amount, if applicable, will be based on the early completion date.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor has elected to pay into the Contractor Responsibility Fund in compliance with City policy.

M/WBE/SBE PARTICIPATION: The Affirmative Action and Contract Compliance has reviewed the good faith effort for the M/W/SBE goal provided by the low bidder and has approved the 23.09% M/W/SBE goal.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Curb Planet, Inc.	Paving	\$336,000.00	4.91%
2. Oil Production Distribution, Ltd.	Fuel	\$333,803.30	4.87%
3. A & C Environmental Solutions, Inc.	SWPPP	\$ 66,600.00	0.97%
4. Certified Traffic & Flagger Solutions of Texas	Traffic Control	\$ 30,000.00	0.44%
5. JMT Enterprises, Inc.	Trucking	\$ 95,000.00	1.39%
6. Reliable Signal & Lighting Solutions, LLC	Street Light Conduit	\$ 96,750.00	1.41%
TOTAL		\$958,153.30	13.99%

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Deanie Hayes, Inc.	Concrete Pipe	\$330,529.56	4.82%
2. Work Zone Products, Inc.	Traffic Control/Signs	\$ 44,917.00	0.66%
TOTAL		\$375,446.56	5.48%

<u>SBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Semarck Landscape Services, Inc.	Tree Protection	\$247,840.00	3.62%
TOTAL		\$247.840.00	3.62%

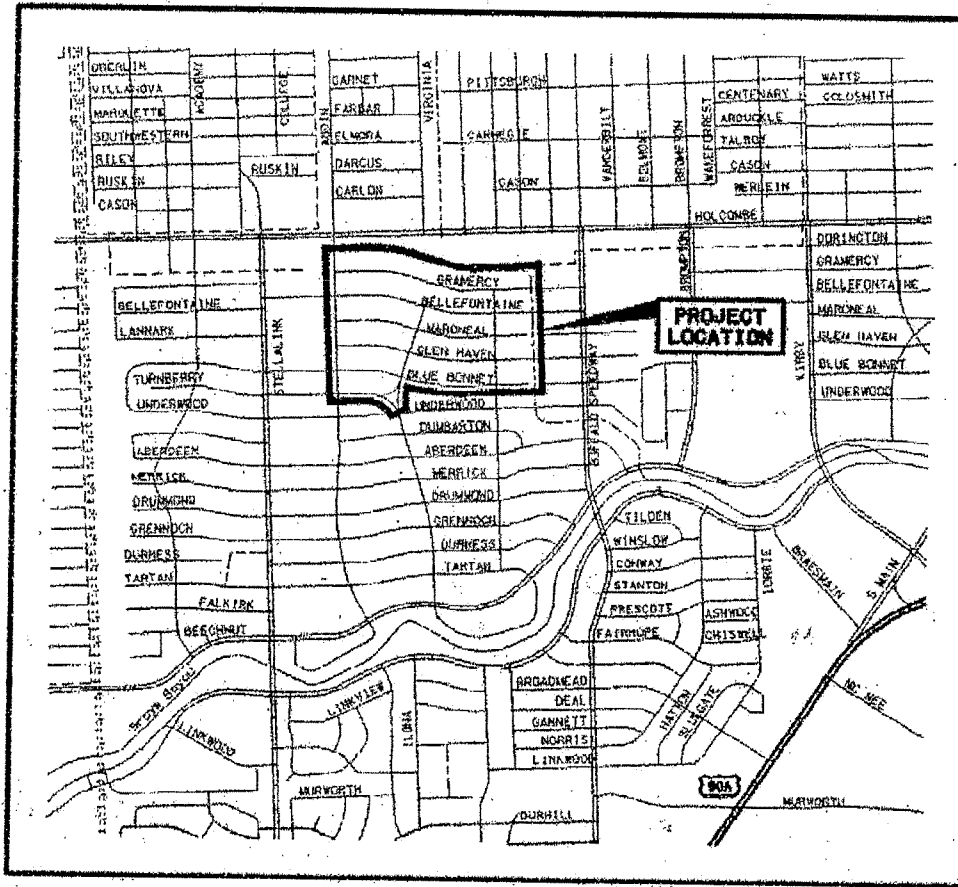
All known rights-of-way, easements and/or rights-of-entry required for the project have been acquired.

MSM:DRM:HH:RJ:MS:klw

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c: Marty Stein Mike Pezeshki, P.E.
Susan Bandy Craig Foster

Council District C



VICINITY MAP

KEY MAP NO 532 E,F,J,K
GIMS MAP NO. 5254 A,B
5255 C,D

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT: Contract Award for Sims Bayou North Wastewater Treatment Plant Improvements.
W.B.S. No. R-000265-0056-4.

Page
1 of 2

Agenda Item #

41

FROM: (Department or other point of origin):

Department of Public Works and Engineering

Origination Date:

5-9-09

Agenda Date:

MAY 13 2009

DIRECTOR'S SIGNATURE:



Michael S. Marcotte, P.E. D.WRE, BCEE

Council District affected: B-2

1

For additional information contact:


Hamlet Hovsepian, P.E. Phone: (713) 837-7033
Interim Senior Assistant Director

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Accept low bid, award construction Contract and appropriate funds.

Amount and Source of Funding: \$10,861,000.00 Water and Sewer System Consolidated Construction Fund No. 8500.

M.P. 4/27/09

PROJECT NOTICE/JUSTIFICATION: This project is part of the City's program to renew/replace inefficient components of the existing Wastewater Treatment Plant (WWTP) facilities.

DESCRIPTION/SCOPE: This project consists of constructing a new elevated pre-engineered blower building, install two new single stage blowers and components, replace existing 24-inch air header with a larger header, install air header to plant process units including headwork influent channels, basin raw influent channels, mixed liquor channels, clarifier distribution channels and other improvements.

The Contract duration for this project is 640 calendar days. This project was designed by Camp Dresser & McKee, Inc.

LOCATION: The project is located at 9500 Lawndale. The project is located in Key Map Grid 535-H.

BIDS: Bids were received on February 19, 2009. The four (4) bids are as follows:

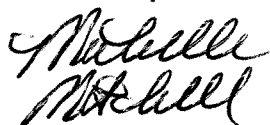
Bidder	Bid Amount
1. Industrial TX Corp.	\$ 9,776,088.00
2. LEM Construction Co., Inc.	\$ 9,947,290.00
3. CSA Construction, Inc.	\$10,141,830.00
4. Pepper-Lawson Construction, L.P.	\$10,142,297.00

AWARD: It is recommended that this construction Contract be awarded to Industrial TX Corp. with a low bid of \$9,776,088.00 and that Addendum Number 1 be made a part of this Contract.

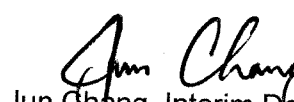
REQUIRED AUTHORIZATION

CUIC ID# 20BZ82


Finance Department



Other Authorization:


Jun Chang, Interim Deputy Director
Public Utilities Division

Other Authorization:


Daniel R. Menendez, P.E., Deputy Director
Engineering and Construction Division

MOT

Date	Subject: Contract Award for Sims Bayou North Wastewater Treatment Plant Improvements. W.B.S. No. R-000265-0056-4.	Originator's Initials B.2	Page 2 of 2
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PROJECT COST: The total cost of this project is \$10,861,000.00 to be appropriated as follows:

• Bid Amount	\$9,776,088.00
• Contingencies	\$ 488,804.40
• Engineering and Testing Services	\$ 205,000.00
• Project Management	\$ 391,107.60

Engineering and Testing Services will be provided by Terracon Consultants, Inc. under a previously approved contract.

PAY OR PLAY PROGRAM: The proposed contract requires compliance with the City's 'Pay or Play' ordinance regarding health benefits for employees of City contractors. In this case, the contractor provides health benefits to eligible employees in compliance with City policy.

M/WSBE PARTICIPATION: The low bidder has submitted the following plan to satisfy the 14% MBE, 5% WBE and 3% SBE goal for this project. This plan has been reviewed and determined by the Affirmative Action and Contract Compliance Division to be a good faith effort.

<u>MBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. A Tex-DBE, Inc.	Paving	\$ 122,958.00	1.26%
2. Aviles Painting Contractor	Painting	\$ 194,000.00	1.98%
3. C & B Rebar Construction, Inc.	Rebar Installation	\$ 188,440.00	1.93%
4. Energy Electric Supply, Inc.	Electrical Gear & Lighting	\$ 238,680.00	2.44%
5. Medcalf Fabrication, Inc.	Miscellaneous Metals	\$ 593,436.00	6.07%
TOTAL		\$1,337,514.00	13.68%

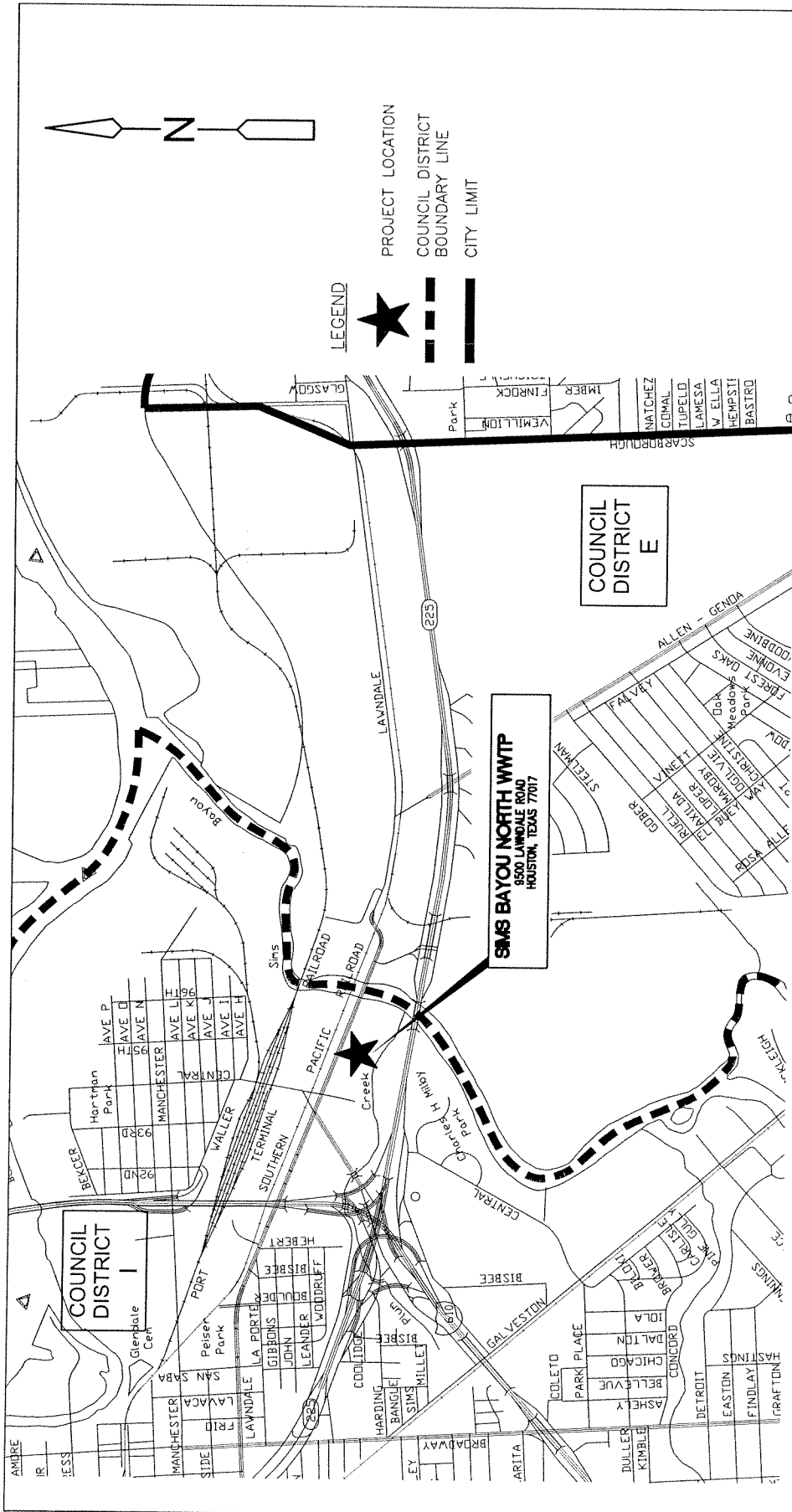
<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Access Data Supply, Inc.	Concrete Supply	\$ 256,250.00	2.62%
2. Teague Industrial Sales & Service	Valves Supply	\$ 212,100.00	2.17%
3. Deanie Hayes, Inc	Sand Supply	\$ 20,500.00	0.21%
TOTAL		\$ 488,850.00	5.00%

<u>WBE - Name of Firms</u>	<u>Work Description</u>	<u>Amount</u>	<u>% of Contract</u>
1. Automation Nation, Inc.	Instrumentation Services	\$ 104,000.00	1.06%
TOTAL		\$ 104,000.00	1.06%

All known rights-of-way, easements and/or right-of-entry required for the project have been acquired.

MSM:DRM:HH:EN:BZ:pa

c: Marty Stein
Susan Bandy
Velma Laws
Mike Pezeshki, P.E.
File R-000265-0056-4



CITY OF HOUSTON
DEPARTMENT OF PUBLIC WORKS AND ENGINEERING
ENGINEERING AND CONSTRUCTION DIVISION
SIMS BAYOU NORTH WASTEWATER TREATMENT PLANT
IMPROVEMENTS
WBS No.: R-000265-0056-4

CDM

3050 Post Oak Boulevard, Suite 300
Houston, Texas 77056
Tel: (713) 423-7500 Fax: (713) 840-0173
Professional Registration Number P-3043
consulting engineering construction operations

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT:

Ordinances granting Commercial Solid Waste Operator Franchises

Category #

Page 1 of 1

Agenda Item#

2nd Reading

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37-38

FROM: (Department or other point of origin):

Alfred J. Moran, Director
Administration & Regulatory Affairs

Origination Date

4/23/09

Agenda Date

~~MAY 06 2009~~

DIRECTOR'S SIGNATURE:

[Signature]

Council Districts affected:

MAY 13 2009

ALL

For additional information contact:

Juan Olguin *JO*
Nikki Cooper *NC*

Phone: (713) 837- 9623

Phone: (713) 837- 9889

Date and identification of prior authorizing

Council Action: Ord. # 2002-526 – June 19, 2002;
Ord. # 2002-1166-December 18, 2002.

RECOMMENDATION: (Summary)

Approve ordinances granting Commercial Solid Waste Operator Franchises

Amount of Funding:

REVENUE

Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☐ Other (Specify)

SPECIFIC EXPLANATION:

It is recommended that City Council approve ordinances granting Commercial Solid Waste Operator Franchises to the following solid waste operators pursuant to Article VI, Chapter 39. The proposed Franchisees are:

1. ARC Abatement, Inc.
2. Sweeping Services of Texas – Operating, L.P.

The proposed ordinances grant the Franchisees the right to use the City's public ways for the purpose of collecting, hauling or transporting solid or industrial waste from commercial properties located within the City of Houston. In consideration for this grant, each Franchisee agrees to pay to the City an annual Franchise Fee equal to 4% of their annual gross revenue, payable quarterly. To verify Franchisee compliance with the franchise, the City has the right to inspect, and the company has the duty to maintain, required customer records during regular business hours. The franchise contains the City's standard release and indemnification, default and termination, liquidated damages and force majeure provisions. The proposed franchise terms expire on December 31, 2013.

The Pay or Play Program does not apply to the solid waste franchises.

REQUIRED AUTHORIZATION

Finance Director:

REQUEST FOR COUNCIL ACTION

R

TO: Mayor via City Secretary

RCA #

SUBJECT: A resolution to nominate Anheuser-Busch, Inc., located at 775 Gellhorn Drive, 77029, as an Enterprise Project.

Category #

Page 1 of 2

Agenda Item#

FROM: (Department or other point of origin):

Michelle Mitchell, Director

Finance Department

Origination Date

April 20, 2009

Agenda Date

MAY 13 2009

DIRECTOR'S SIGNATURE:

Michelle Mitchell

Council Districts affected:

District "B" – CM Johnson

For additional information contact:

Tom C. Mesa, Jr.

Keith R. Phillips

Phone: 713-837-9857

Phone: 713-837-0610

Date and identification of prior authorizing Council Action:

Ordinance 2008-118 dated 2/12/08 and

Ordinance 2008-359 dated 4/22/08

RECOMMENDATION: (Summary) A resolution to nominate Anheuser-Busch, Inc., located at 775 Gellhorn Drive, 77029, as an Enterprise Project.

Amount of Funding: No City funding required

Finance Budget:

SOURCE OF FUNDING:

☐ General Fund

☐ Grant Fund

☐ Enterprise Fund

☒ Other (Specify) State funded incentive

SPECIFIC EXPLANATION:

The Texas Enterprise Zone Program is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment. A State Enterprise Zone is any census tract block group that has a 20% or more poverty rate, as determined by the U.S. Census Bureau during each decennial census.

State law requires a municipality or county to nominate a project of a qualified business for designation as an Enterprise Project to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium; the City is limited to a maximum of 6 project designations. The next deadline for the quarterly state application is June 1, 2009.

Enterprise Projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created or retained at the qualified business site. Depending on investment amount, there is a maximum refund of \$2,500 - \$7,500 per job for the company.

City Council previously adopted an ordinance authorizing the City to nominate projects for this State funded incentive. The City is nominating Anheuser-Busch, Inc. for an Enterprise Project with an estimated capital investment between \$65 and \$100 million and to retain more than 700 jobs over the 5-year program period. The company plans to modernize and expand its current facility with new production equipment for energy conservation and process improvements. An impact analysis by the Greater Houston Partnership estimates the net benefit for the City to be approximately \$168 million over the first ten years.

cc: Marty Stein, Agenda Director
Anna Russell, City Secretary
Arturo Michel, City Attorney
Deborah McAbee, Senior Assistant City Attorney

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

T. C. Mesa, Jr.

Other Authorization:

**ANHEUSER-BUSCH, INC.
ENTERPRISE ZONE PROGRAM**

APRIL 27, 2009

TABLE OF CONTENTS

- Enterprise Zone Program Summary
- Project Summary
- Qualified Business Site Summary
- Economic Benefit / Impact Analysis
- Project Location Map

ANHEUSER-BUSCH, INC.
ENTERPRISE ZONE PROGRAM SUMMARY

Program Objective

The Texas Enterprise Zone Program (EZ) is an economic development tool for local communities to partner with the State of Texas to promote job creation and capital investment in economically distressed areas of the state. To clearly identify distressed areas, an EZ is defined as any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau decennial census. No action needs to be taken to classify an area as an EZ. An area is automatically classified as such if it meets the criteria.

Participation

Local communities must declare their participation in the program and nominate a company as an Enterprise Project to be eligible to participate in the Enterprise Zone Program. Legislation limits allocations to the state and local communities per biennium. Municipalities with a population of 250,000 or more are eligible for up to six enterprise project designations during a state biennium. The state accepts applications quarterly with deadlines on the first working day of March, June, September and December.

Benefits to Participation

Designated projects are eligible to apply for state sales and use tax refunds on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the qualified business site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

In addition, local communities must offer incentives to participants under the enterprise zone program, such as tax abatement, tax increment financing and one-stop permitting.

Participation Requirements

Communities may nominate projects, for a designation period of not less than one year up to five years, non-inclusive of a 90-day window prior to the application deadline. Employment and capital investment commitments must be incurred and met within this timeframe. Projects may be physically located in or outside of an Enterprise Zone. If located within a zone, the company commits that at least 25% of their new employees will meet economically disadvantaged or enterprise zone residence requirements. If located outside of a zone, the company commits that at least 35% of their new employees will meet economically disadvantaged or enterprise zone residency requirements. Under limited statutory provisions, an enterprise project designation may be granted for job retention.

Revised
→

ENTERPRISE PROJECT SUMMARY

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MAY 13 2009

Company Requesting Nomination: Anheuser-Busch, Inc. ("A-B")

Primary Representative: Lance Warren

Local Representative: Wayne Haynes

Business Profile:

Anheuser-Busch (A-B) is a world leading manufacturer of malt beverages whose products include Budweiser, Bud Light, Budweiser Select, Bud Ice, Bud Dry, Michelob, Michelob Light, Michelob ULTRA, Busch, Busch Light, Natural Light, and Ziegenbock.

A-B prides itself on quality and good corporate citizenship. Anheuser-Busch is one of the world's largest recyclers of aluminum beverage containers - helping to reduce container costs and provide a positive alternative to mandatory deposits. We now recycle more than 99 percent of the solid waste we create.

The company's Houston brewery operates in approximately 2 million square feet of manufacturing and warehouse/distribution space on the City of Houston's east side, south of I10. For more than 40 years, A-B's Houston facility has provided excellent manufacturing and other jobs to employees in the Houston area. The Houston Brewery service/distribution area includes Texas, Louisiana, New Mexico, Mississippi, Arkansas, Mexico, Central and South America, and the Caribbean.

Development/Project Profile:

SUMMARY

Anheuser-Busch's (A-B) application for a Texas Enterprise Project designation consists of an estimated \$65-\$100 million in capital investment over the 5 -year program period. In accordance with the requirements of the Texas Enterprise Zone Program, A-B intends to retain all of the current positions for which they will receive program benefit and A-B further intends that at least 35% of any replacement or new positions will be filled by Enterprise Zone residents or economically disadvantaged individuals. The Texas EZ program benefits will assist the Houston Brewery in maintaining its competitive position within the company for future capital expenditures.

DETAILS

Existing jobs: At the time of this submission A-B currently has approximately 700 employees at the Houston brewery with a total annual payroll of nearly \$80 million.

Capital Investment: A-B intends to invest approximately \$15-\$20 million annually for the 5 year EZ program period. The investment is expected to be used in conjunction with production enhancements, technology and plant modernization, energy conservation and process improvements.

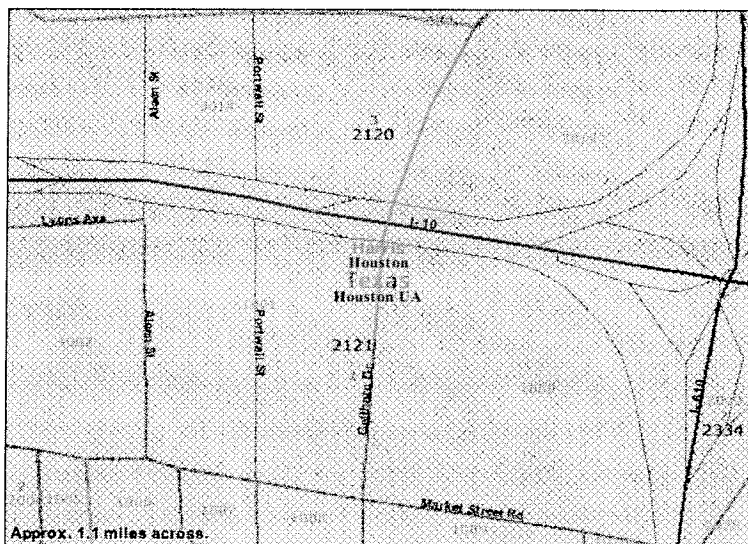
Proposed Schedule/Timeline: Texas Enterprise Project Application to be submitted by June 1, 2009.

Local Incentives Requested: None other than EP nomination.

QUALIFIED BUSINESS SITE SUMMARY

Demographics of Census Block Group

A-B's qualified business site is located at 775 Gellhorn Drive and in U.S. Census Tract 2121, Block Group 1, Harris County. This is also located in Council Member Jarvis Johnson's District B. (census map below)



Demographics of Block Group 1, Census Track 2121

	Census Tract 2121, Harris County, Texas
Total:	4,023
Income in 1999 below poverty level:	826
Male:	358
Under 5 years	26
5 years	19
6 to 11 years	55
12 to 14 years	46
15 years	12
16 and 17 years	6

	Census Tract 2121, Harris County, Texas
18 to 24 years	46
25 to 34 years	28
35 to 44 years	21
45 to 54 years	0
55 to 64 years	30
65 to 74 years	42
75 years and over	27
Female:	468
Under 5 years	31
5 years	12
6 to 11 years	27
12 to 14 years	41
15 years	0
16 and 17 years	0
18 to 24 years	43
25 to 34 years	62
35 to 44 years	83
45 to 54 years	25
55 to 64 years	32
65 to 74 years	54
75 years and over	58
Income in 1999 at or above poverty level:	3,197
Male:	1,559
Under 5 years	98
5 years	19
6 to 11 years	119
12 to 14 years	53
15 years	15
16 and 17 years	75
18 to 24 years	137
25 to 34 years	131
35 to 44 years	241
45 to 54 years	199
55 to 64 years	108
65 to 74 years	220
75 years and over	144
Female:	1,638
Under 5 years	47
5 years	52
6 to 11 years	84
12 to 14 years	21
15 years	30
16 and 17 years	41
18 to 24 years	73
25 to 34 years	152
35 to 44 years	214
45 to 54 years	206
55 to 64 years	189
65 to 74 years	327
75 years and over	202

U.S. Census Bureau Census 2000

COMMUNITY INVOLVEMENT AND CONTRIBUTIONS

Anheuser-Busch has been an outstanding corporate citizen and involved in local and neighborhood organizations for over 40 years. Examples of some of the ways in which A-B contributes to the well being of the community and its citizens are:

- Support over 30 Women and minority-owned businesses in the Houston area and over 80 statewide.
- Annual sponsor of Inroads Internship – a program to benefit minority post-high school students by introducing them to industry and future job opportunities.
- Significant donor for community projects such as the new Discovery Park in downtown Houston
- East End Chamber of Commerce (Chavez High School, etc.)- Volunteer and support the Chamber's Project Lead the Way program which targets at-risk students to stay in school and receive scholarships
- Annually provide and pay for volunteers and other resources for United Way's Day of Caring
- Provide use of our training facility for special community needs (currently being use by the US Census Bureau for training census trackers for the 2010 census)
- Provide Board of Directors and significant financial support for Operation Brightside with the Houston Area Urban League
- Reimburse up to 75% of our employees' cost of higher education
- Provided in-house water chemistry resources and other support to help the city with water quality issues
- Recycle 99.97% of all consumables on our property
- Through our Bio-Energy Recovery Systems (BERS) technology, a process that reclaims nutrient-rich leftover water from the brewing process, we create renewable energy. This also reduces the cost the City of Houston would otherwise incur to process our left-over water.
- Reuse of the methane from the city's McCarty landfill for renewable energy
- Provided emergency assistance related to the Gellhorn 30" water main repairs and isolation
- Provided pump motor rebuild assistance for Market St. LS#1 sewer lift station
- During Hurricane Ike, loaned generators to run Market St., Gulf Freeway and Old Westheimer sewer lift stations

In addition, A-B's local charitable contributions total more than \$580,000 in 2008. Some of the beneficiaries of our past contributions are:

- Community Family Centers
- Greater Houston Partnership
- Inner City Action Network, Inc
- Lamar Educational Awards Foundation (LEAF)
- Northside Redevelopment Center
- Phyllis Wheatley High School Foundation (Christmas in the Nickel)
- Texas Legislative Internship Program (TLIP)
- Assistance League of Houston

- East End Area Chamber of Commerce
- Keep Houston Beautiful
- Toys for Tots
- Houston Area Alliance of Black School Educators
- YWCA of Houston
- Houston Area Women's Center
- Susan G. Komen Breast Cancer
- Houston Food Bank
- Houston Area Urban League
- Fifth Ward Enrichment Program
- Pleasantville Elementary School
- Julia C. Hester House
- Association for the Advancement of Mexican Americans

ANHEUSER-BUSCH, INC. **ECONOMIC BENEFIT/IMPACT ANALYSIS**

The following executive summary is from A Report of the Economic Impact of Anheuser-Busch, Inc. in Houston, Texas, commissioned by the Greater Houston Partnership and conducted by Impact DataSource.

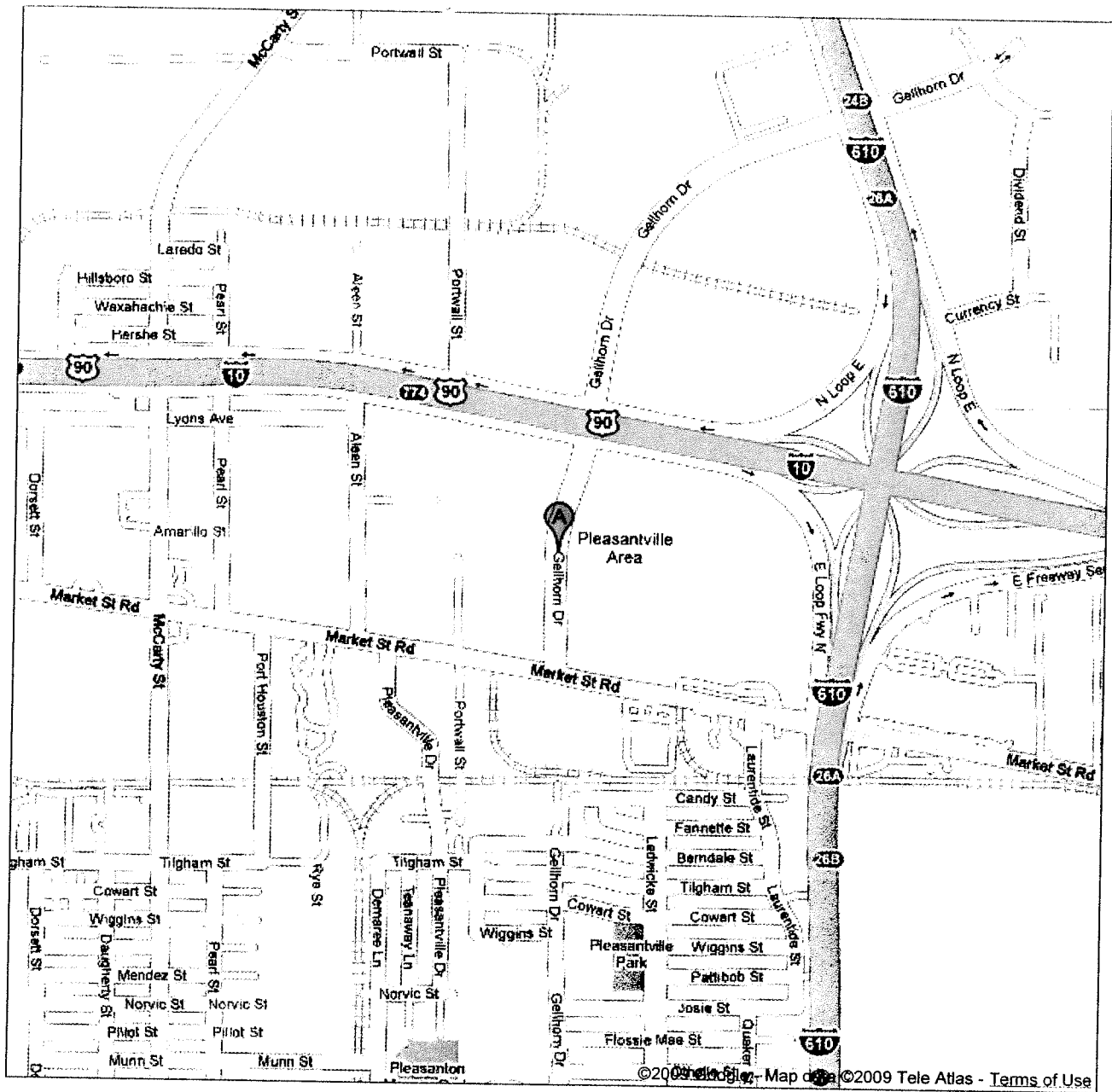
This analysis was created on the assumption of the retained employment and production at the Houston facility. Obviously, a drop in employment and production would have a negative impact on the significant contributions A-B is making to not only the City of Houston, but the entire region. *Source: Impact DataSource Fiscal Impact Model – Developed by Jerry Walker for the Greater Houston Partnership – Research Department*

Select Impacts

Select Economic Impact of the Firm Over the Next Ten Years		
Number of direct and indirect jobs to be created		3,625
Salaries to be paid to direct and indirect employees		\$1,493,426,219
Taxable spending expected in the City where the firm is located		\$669,011,605
Taxable assets at firm's facility in Year 10		\$252,917,932
Additional Spin-off Jobs and Spin-off Sales in Local Businesses Over the Next Ten Years		
	Additional Spin-off Jobs in Other Local Businesses	Additional Spin-off Sales in Other Local Businesses
Total	2,912	\$382,414,622

City of Houston	
Net Benefits over the Next Ten Years	
	\$ 167,731,113
Benefits:	
Sales tax collections	\$15,993,728
Property tax Collections	\$97,117,344
Utility revenues	\$13,637,330
Utility franchise fees	\$106,564,213
Hotel occupancy taxes	\$51,083
Collections of other taxes and user fees	\$7,555,307
Building permits	\$0
Additional State and Fedral School Funding	\$17,064,214
Total Benefits	\$ 257,983,219
Costs:	
Costs of Providing services to new residents	\$16,055,028
Costs of providing city utility servives to new residents	\$13,091,837
Costs of providing services to new students	\$22,198,913
Reduction in state aid with new res. and comm. Property on school district tax rolls	\$38,906,328
Total Costs	\$90,252,106

**ANHEUSER-BUSCH, INC.
PROJECT LOCATION MAP**



**Address 775 Gellhorn Dr
Houston, TX 77029**



OFFICE OF THE GOVERNOR
ECONOMIC DEVELOPMENT & TOURISM

RICK PERRY
GOVERNOR

**TEXAS ENTERPRISE ZONE PROGRAM
FREQUENTLY ASKED QUESTIONS**

What is an enterprise zone?

Any block group within the State of Texas that has a poverty rate of 20% or more, as determined by the U.S. Census Bureau during each decennial census is a state enterprise zone. The block group will remain an enterprise zone until it no longer qualifies, as a result of a subsequent decennial census.

Any distressed county in Texas is an enterprise zone. A county is considered to be a distressed county if it has a poverty rate above 15.4 percent based on the most recent decennial census; in which at least 25.4 percent of the adult population does not hold a high school diploma or high school equivalency certificate based on the most recent decennial census; and that has an unemployment rate that has remained above 4.9 percent during the preceding five years, based on Texas Workforce Commission data.

Any federally designated empowerment zone, enterprise community or renewal community is also a State enterprise zone, for the duration of the federal designation.

It is the purpose of the Texas Enterprise Zone Act to establish a process that clearly identifies distressed areas and provides incentives by both local and state government to induce private investment in those areas by the provision of tax incentives and economic development program benefits. Under this program, economic development is encouraged by allowing enterprise projects to be designated outside of an enterprise zone, with a higher threshold of hiring economically disadvantaged or enterprise zone residents. The purpose of these sections is to provide standards of eligibility and procedures for designation of applications for qualified businesses as enterprise projects.

Who may participate in the program?

Any municipality or county in the State of Texas may participate in the program, wither they have an enterprise zone within their jurisdiction or not.

How do I determine in what block group I am located?

You can access the U.S. Census Bureau web site to determine what block group a particular address is in. The web address is http://factfinder.census.gov/servlet/ReferenceMapFramesetServlet?_bm=y&-lang=en.



How do I determine if my block group qualifies as an enterprise zone?

The OOGEDT, through the Economic Development Bank, has published on its website the areas that qualify as an enterprise zone as either a qualifying block group or a distressed county. The website can be accessed at http://www.bidc.state.tx.us/BIDC_Maps/TxED_Maps/EZone_maps.html. If your block group is not listed, it does not qualify as an enterprise zone.

How does a municipality or county participate in the program?

The municipality or county must nominate a qualified business as an enterprise project by an ordinance or order as applicable. The ordinance or order must establish the local incentives being offered to the business seeking enterprise project designation. Local incentives may be established for all zone areas separately or individually, as well as areas of the jurisdiction outside of a zone area. The ordinance or order must state by position, who will act as liaison for the local program with the state, and nominate the qualified business for enterprise project status. Subsequent project nominations may be done by resolution, if the local incentives offered are substantially the same as outline in the ordinance or order.

Can a community offer local incentives without an enterprise zone?

Yes. A community can offer certain incentives as allowed by state law. Enterprise zones, however, are simply a means of packaging a number of state and local incentives together to help revitalize a distressed area.

What local incentives are available in an enterprise zone?

Local incentives that may be offered to an expanding or locating business vary among enterprise zones. Examples of local incentives that may be offered include tax abatement, a refund of local sales and use taxes, waiver of permitting fees, tax increment financing, transfer of publicly owned buildings at below market cost, and low interest loans.

According to the Tax Code, an enterprise zone is automatically a reinvestment zone without further action. Why is this significant?

A municipality or county can create a reinvestment zone, which allows them to offer tax abatement on real and/or personal property to new or existing businesses. In a regular reinvestment zone, all businesses given tax abatement in the same zone must be given the same terms. Further, all taxing entities must give each business the same terms and conditions. In an enterprise zone, all of the businesses that are given tax abatement do not have to receive the same deal, nor does each taxing entity have to give them the same terms and conditions.

What is a qualified business?

A qualified business is a person, including a corporation or other entity, that has been certified by the Bank, for purposes of state benefits under the Act, or a governing body for purposes of local benefits, to have met the following criteria:

- (A) the person is engaged in, or has provided substantial commitment to initiate the active conduct of a trade or business at a qualified business site; and
- (B) at least 25% of the business' new employees are either economically disadvantaged or enterprise zone residents (ED/EZR) if the qualified business site is located in an enterprise zone, or at least 35% of the business' new employees are ED/EZR if the qualified business site is located outside of an enterprise zone; and
- (C) a franchise or subsidiary of a new or existing business may be certified by the governing jurisdiction as a qualified business if the franchise or subsidiary is located entirely at the qualified business site and maintains separate books and records of the business activity conducted at the qualified business site.

What is the definition of economically disadvantaged?

An individual who at the time of hire:

- (A) was unemployed for at least three months before obtaining employment with a qualified business; or
- (B) receives public assistance benefits, such as welfare or food stamp payments, or a member of an employee's immediate family receiving Supplemental Security Income or Aid to Families with Dependent Children payments. (Food Stamps must be received by the employee only, not a member of the employee's immediate family.); or
- (C) has a physical or mental disability (a disability that constitutes or results in a substantial barrier to employment and can reasonably be expected to benefit in terms of employability from vocational rehabilitation services. NOTE: Individuals must be certified by an authorized agency or doctor.); or
- (D) is homeless (lacks a fixed or regular nighttime residence or whose residence is a supervised public or private shelter providing temporary living accommodations); or
- (E) is a foster child (an individual on behalf of whom state or local government payments are made and for whom a court order removing the child from the custody of the parent and specifying a manager conservator exists); or
- (F) is on parole or entering the workplace after being confined in a unit or correctional facility of the institution division of the Texas Department of Criminal Justice or the Texas Youth Commission; or
- (G) is an individual whose total family income meets the low income or moderate income limits developed under Section 8, United States Housing Act of 1937. Includes all income by employee, spouse, all dependents, and family members living with employee as of the employment date.

What is an enterprise project?

An enterprise project is a business that is nominated by a municipality or county and approved by the bank for state and local benefits. State incentives include state sales and use tax benefits based on capital investment and jobs created and/or retained during the designation period. The State may designate up to 85 enterprise projects each biennium.

What items purchased are allowable for sales and use tax refund under the Program?

An enterprise project is eligible for a refund of the taxes imposed by the Texas Tax Code on purchases of:

1. equipment or machinery sold to an enterprise project for use at the qualified business site;
2. building materials sold to an enterprise project for use in remodeling, rehabilitating, or constructing a structure at the qualified business site;
3. labor for remodeling, rehabilitating, or constructing a structure by an enterprise project at the qualified business site; or
4. electricity and natural gas purchased and consumed in the normal course of business at the qualified business site.

How many enterprise projects can we have?

Municipalities or counties with a population of 250,000 or more, based on the most recent decennial census, are eligible for up to six enterprise project designations during a state biennium based upon availability.

Municipalities or counties with a population of less than 250,000 based on the most recent decennial census are eligible for up to four enterprise project designations with the possibility of up to two bonus project designations during a state biennium based upon availability.

How long is an enterprise project designation?

The enterprise project designation is for an expansion or relocation from out-of-state, an expansion, renovation, or new construction, or other property to be undertaken by a qualified business. The designation period is a predetermined period approved by the bank, with beginning and ending dates for each proposed project or activity. The designation period for an enterprise project may not be for a period of less than one year, nor exceed five years from the date on which the designation is made.

What state incentives are available to enterprise projects?

Designated enterprise projects are eligible to apply for state sales and use tax refund on qualified expenditures. The level and amount of refund is related to the capital investment and jobs created at the site.

Level of Capital Investment	Maximum number of jobs allocated	Maximum potential refund	Maximum refund per job allocated
\$40,000 to \$399,999	10	\$25,000	\$2,500
\$400,000 to \$999,999	25	\$62,500	\$2,500
\$1,000,000 to \$4,999,999	125	\$312,500	\$2,500
\$5,000,000 to \$149,999,999	500	\$1,250,000	\$2,500
Double Jumbo Project \$150,000,000 to \$249,999,999	500	\$2,500,000	\$5,000
Triple Jumbo Project \$250,000,000 or more	500	\$3,750,000	\$7,500

Each project is limited to a maximum refund of \$250,000 per year for five years for a regular enterprise project designation, \$500,000 per year for five years for a double jumbo enterprise project and \$750,000 per year for five years for a triple jumbo enterprise project. NOTE: a qualified business making a capital investment eligible to apply for a double jumbo enterprise project or a triple jumbo enterprise project must be nominated by the governing jurisdiction for the elevated designation in the nominating ordinance, order or resolution, as applicable, or the designation will automatically be for a regular enterprise project designation. A double jumbo enterprise project will count as two enterprise project designations against the 85 projects designations allowed statewide and against the four or six allowed for the governing jurisdiction. A triple jumbo enterprise project will count as three project designations for the state as well as the governing jurisdiction.

What is a qualified employee?

A qualified employee is an employee that works at least 50% of his or her time for the qualified business at the qualified business site.

What is a new permanent job?

A new permanent job is a new employment position created over and above the business' current baseline that provides a qualified employee of a qualified business with employment of at least 1,820 hours of work annually and exists at the qualified business site for at least three years after the date on which a state benefit is received. Seasonal, temporary or part-time jobs are not considered to be new permanent jobs, and therefore are not eligible for state benefit through the program.

What is a retained job?

A retained job is a position that existed with a qualified business that has provided employment to a qualified employee of at least 1,820 hours annually and is retained for at least three years after the date on which a state benefit is received.

What is a job retention project?

Job retention projects are available under limited circumstances. To qualify for a job retention project, a business must present documentation to the applicant jurisdiction supporting any one of the following circumstances:

- (A) that permanent employees will be permanently laid off;
- (B) the business will permanently close down;
- (C) the business will relocate out of state;
- (D) a 10% increase in production capacity will occur;
- (E) a 10% decrease in overall cost per unit produced will occur;

- (F) the business facility has been legitimately destroyed or impaired due to fire, flood, tornado, hurricane, or any other natural disaster; or
- (G) the business facility is both adding a new business line or product and deleting or decreasing an existing business line or product, and the designation will prevent the facility's net production capacity from decreasing.

All of the retained jobs must be certified by the Comptroller of Public Accounts before any benefits for jobs can be obtained.

What is an existing job?

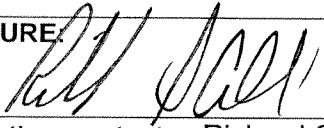

An existing job is a full-time position that has existed with a qualified business, which does not qualify for benefit. The currently number of existing jobs is used to determine the baseline level of employment at the time of project designation. New jobs which are created 90 days prior to the application deadline through the end of the project designation period qualify for benefit if the baseline jobs are maintained.

Do leased, contract or construction employees qualify for benefit?

No. All employees occupying the new or retained jobs for benefit must be under the direct, full-time and permanent employment of the enterprise project that has received the designation.

How long does it take to obtain an enterprise project designation?

Projects are designated typically eight to ten weeks after the project application deadline, depending on the number of applications received in that quarterly round.

SUBJECT: An ordinance authorizing submission of the 2009 Consolidated Action Plan Budgets and Applications for the 35 th Year CDBG, HOME, ESG, ADDI and HOPWA programs to HUD.		Category #	Page 1 of 3	Agenda Item # 45 #8
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date 04/14/09	Agenda Date MAY 0 6 2009 MAY 13 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: All		
For additional information contact: Richard S. Celli, Director Phone: (713) 868-8305		Date and identification of prior authorizing Council action:		
RECOMMENDATION: (Summary) City Council authorization to submit the 2009 Consolidated Action Plan Budgets and Applications for the 35 th Year CDBG, HOME, ESG, ADDI, and HOPWA grants and acceptance of grant awards from the U.S. Department of Housing and Urban Development (HUD), including the use of estimated Program Income. Amount of Funding: \$49,993,446 CDBG - \$29,798,698 HOME - \$12,722,540 HOPWA - \$6,038,000 ADDI - \$107,611 ESG - \$1,326,597 (Total Funding, including Program Income of \$4,218,519 will be \$54,211,965)				
SOURCE OF FUNDING [] General Fund [X] Grant Fund [] Enterprise Fund [] Other (Specify)				Finance Department Budget:
SPECIFIC EXPLANATION: <p>The Housing and Community Development Department (HCDD) is requesting approval of the submission of the 2009 Consolidated Action Plan (the Plan), containing five (5) major formula grant budgets and applications totaling \$54,211,965 for the Community Development Block Grant (CDBG), the HOME Investment Partnerships Grant (HOME), American Dream Down Payment Initiative (ADDI) Grant, the Housing Opportunities for Persons with AIDS (HOPWA) Grant and the Emergency Shelter Grant (ESG).</p> <p>In the 2009 Consolidated Action Plan, allocations are proposed to expand the availability of affordable housing through acquisition, rehabilitation or new construction. The need for housing assistance remains especially high among low-income residents, particularly elderly and disabled homeowners. Emphasis remains on increasing the level of homeownership and increasing and/or upgrading multi-family units throughout Houston. Also recommended are funds for capital improvements and facilities that support the neighborhood conservation and/or revitalization. Funds are recommended to upgrade neighborhood facilities and the provision of services through non-profit agencies to low and moderate-income persons as well as those with special needs. In addition, HCDD estimates earning \$3,918,519 in program income from CDBG-funded activities and \$300,000 from HOME-funded activities for a total allocation of \$54,211,965. In support of revitalization strategies, funds are proposed for distribution among the following categories:</p>				
REQUIRED AUTHORIZATION				
Finance Department Director: 	Other Authorization:		Other Authorization:	

Date:
4/14/2009

Subject:
An ordinance authorizing submission of the 2009 Consolidated Plan Budgets and Applications for the 35th Year CDBG, HOME, ESG, ADDI and HOPWA programs to HUD.

**Originator's
Initials**

Page
2 of 3

*RSC by
Ginsu
AD*

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Neighborhood Facilities and Improvements	\$	5,348,171
Housing Assistance Programs	\$	6,811,251
Public Services	\$	4,913,350
Coalition for the Homeless	\$	133,415
Economic Developments	\$	5,176,540
Dangerous Building/Code Enforcement/Local	\$	4,483,000
Program Administration	\$	6,151,490
TOTAL	\$	33,017,217

The strategy for the HOME Investment Partnerships Program remains one of increasing the availability of affordable rental units and expanding opportunities for homeownership. HCDD is recommending that the City's allocation of \$12,722,540 plus \$107,611 in ADDI Funds and \$300,000 in program income, be distributed among the following categories:


HOME INVESTMENT PARTNERSHIPS PROGRAM

Single-Family Down Payment/Closing Assistance New/Existing Homes	\$	5,275,000
Single-Family Housing Rehabilitation/Remediation/New Construction	\$	1,400,000
Multi-family Acquisition/Rehabilitation/New Construction/Relocation	\$	4,883,151
Community Housing Development Organizations (CHDOs) Operations	\$	300,000
HOME Administration	\$	1,272,000
TOTAL	\$	13,130,151

The City of Houston is expected to receive an allocation of \$6,038,000 in HOPWA grant Funds for the 2009-2010 grant year. HCDD proposes to fund the following activities:

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM

Acquisition/Renovation/Conversion/Repairs/Lease Payments	\$	247,558
Operating Costs	\$	640,028
Technical Assistance/Housing Information/Resource Identification	\$	42,266
Supportive Services	\$	1,098,916
Project or Tenant-based Rental Assistance	\$	1,835,552
Short Term Rent Mortgage and Utility Subsidies	\$	1,569,880
Grantee Administration	\$	181,140
Sponsor Administration	\$	422,660
TOTAL	\$	6,038,000

Date: 4/14/09	Subject: An ordinance authorizing submission of the 2009 Consolidated Plan Budgets and Applications for the 35 th Year CDBG, HOME, ESG, ADDI and HOPWA programs to HUD.	Originator's Initials 	Page 3 of 3
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The Emergency Shelter Grant (ESG) is the final application in the **2009 Consolidated Action Plan**. The City of Houston is scheduled to receive \$1,326,597 in ESG funds. Based on the Match requirements, the City anticipates providing \$700,000 in Community Development Block Grant Funds. The remaining match (\$626,579) will be made up of cash and/or in-kind contributions from participating agencies. Essential services, operations, homeless prevention and administration will be funded through ESG.

In preparing the **2009 Consolidated Action Plan**, the Housing and Community Development Department (HCDD) solicited public input in the development of this federal application. HCDD also developed and distributed written information on these federal grants and the planning process, solicited project requests from other departments, made presentations at each of the City's CIP/Budget hearings and sponsored two (2) public hearings on the Plan. Written material in the form of an information Booklet was distributed citywide.

A summary of the **2009 Consolidated Action Plan** was published in the *Houston Chronicle*, *LaVoz de Houston*, *Houston Defender*, and *Southern Chinese Daily News*. As stipulated by federal regulations and in conformity with the Citizen Participation Plan, citizens have thirty (30) days to comment on the proposed **2009 Consolidated Action Plan** before it is approved by City Council. The thirty-day (30) review period extended from April 12, 2008 through May 12, 2008. In addition, public hearings were held on November 12, 2008 and April 22, 2009. On April 23rd, the proposed Plan was presented to a special meeting of Budget and Fiscal Affairs Committee for review. Information is not currently available regarding the projected allocation from HUD for the five (5) grant programs for Fiscal Year 2010. The **2009 Consolidated Action Plan** is based on last year's entitlements. The **2009 Consolidated Action Plan** was referred on to City Council for consideration.

Approval of the ordinance is recommended.

RSC:MT

cc: Finance Department
Legal Department
Mayor's Office
City Secretary

TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

09- W Leo Daniels

SUBJECT: An Ordinance to amend a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc.		Category #	Page 1 of 2	Agenda Item 4620
FROM (Department or other point of origin): Richard S. Celli, Director Housing and Community Development Department		Origination Date: 04/02/09	Agenda Date: MAY 06 2009 MAY 13 2009	
DIRECTOR'S SIGNATURE: 		Council District affected: District "H"		
For additional information contact: Donald H. Sampley Phone: 713-868-8458		Date and identification of prior authorizing Council action: 12/19/07, 2007-1461		

RECOMMENDATION: (Summary)

The Housing and Community Development Department recommends approval of an Ordinance to amend a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc. to revise the sourcing of funds, scope of work, and extend the period of time to commence and complete the rehabilitation of the W. Leo Daniels Towers.

Amount of Funding: No Additional Funds	Finance Department:
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Source of Funding:

\$670,969 CDBG Fund and \$215,031 HOME Investment Partnership Fund

SPECIFIC EXPLANATION:

W. Leo Daniels Towers is an existing thirty year old, eight-story, 100-unit apartment facility located in District "H" at 8826 Harrell Street, and provides housing for seniors over the age of 65 as well as disabled persons. W. Leo Daniels Towers, Inc. is a non-profit, 501C(3) corporation.

On December 19, 2007 City Council approved an ordinance authorizing a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc. to provide \$886,000 (\$538,185.60 CDBG Funds, and \$347,814.40 HOME Investment Partnership Funds) to assist in the refinancing and rehabilitating W. Leo Daniels Towers.


Greystone Servicing Corporation, Inc. (Greystone), the primary lender, approved the refinancing of an existing Direct Loan from the U.S. Department of Housing and Urban Development ("HUD") under Section 202, and a Flexible Subsidy Loan in the amount of \$2,190,000. The new \$2,190,000 loan is insured by HUD under Section 223(f).


The closing of the City Grant and Greystone 223(f) loan was delayed for approximately eight months while waiting approval of the subordination request from HUD for the City's Land Use Restrictions. The City Grant and Greystone loan refinance closed on August 27, 2008 with the City funding \$100,531 in soft costs. Approximately two weeks later, W. Leo Daniels Towers was damaged by hurricane IKE, resulting in evacuation of the 100-unit facility for 30 days. Insurance claims have now been settled and both the original and the new repairs can begin.

The total grant amount has not changed however the sourcing of the \$886,000 must be changed to meet eligible cost guidelines. The new sourcing will be \$670,969 CDBG Funds, and \$215,031 HOME Investment Partnership Funds.

Approval is requested for revisions to the original scope of work by reprogramming the use of \$108,000 previously allocated for re-tinting the large exterior windows of the building. Instead, \$65,659 will be reallocated to cover increases to the original bids due to the lengthy delay described above, and \$42,341 will be used toward acquisition and installation of an emergency generator system. In addition, insurance proceeds in the amount of

REQUIRED AUTHORIZATION

F&A Director: 	Other Authorization:	Other Authorization:
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Date 04/02/09	Subject: An Ordinance to amend a Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc.	Originator's Initials 	Page <u>2</u> of <u>2</u>
<p>\$94,017 will be used to cover part of the \$179,500 previously allocated for roof repairs in the City Grant. This now permits \$94,017 of the city's funds to be assigned to the emergency generator system for a total of \$136,358. Commencement of the rehabilitation work to begin within forty-five (45) days of the amended countersignature date and shall complete the work on or before the expiration of twelve (12) months following the commencement of the work.</p> <p>The City LURA provides for the restriction of fifty-one (51%) percent of the 100 units (51 units) as Affordable Floating Units for a period of fifteen (15) years. The mix of the 51 units will be as follows: Twenty-nine (29) units for families whose annual income does not exceed 60% of AMI, and twenty-two (22) units for families whose annual income does not exceed 50% of AMI.</p> <p>A Grant Disbursement and Subordination Agreement was entered into August 27, 2008, by and among W. Leo Daniels Towers, Inc., the City of Houston, Greystone Servicing Corporation, Inc. and the U.S. Secretary of Housing and Urban Development (HUD). As required under the agreement, any amendment to the City Grant Documents shall be subject to prior HUD approval. The proposed revisions have been approved by HUD.</p> <p>Terms of the City's Grant:</p> <ul style="list-style-type: none">a. Amount: \$886,000b. Term is concurrent with the term of the affordability period of fifteen (15) years;c. The Grant is provided with no obligation for repayment provided the owner fully and timely complies with all of its obligations under the grant documents and;d. The Grant does not bear interest. <p>The Department recommends approval of an ordinance approving and authorizing an Amendment to the Grant Agreement between the City of Houston and W. Leo Daniels Towers, Inc.</p> <p>The project is consistent with the City's Consolidated Plan to provide affordable housing for low-income persons. The City's participation in the project will contribute to the goal of increasing the number of affordable rental housing units for seniors.</p> <p>City Council approval is recommended.</p> <p>RSC:DHS:LIC:JAR</p> <p>cc: Finance and Administration Legal Department City Secretary Mayor's Office</p>			

TO: Mayor via City Secretary REQUEST FOR COUNCIL ACTION**SUBJECT:** First Amendment to Professional Energy Management
Services Contract
Whaley Energy Consulting, LLCPage
1 of 1
Agenda
Item 25**FROM (Department or other point of origin):**
General Services Department**Origination Date**
4/30/09**Agenda Date**
MAY 13 2009**DIRECTOR'S SIGNATURE:**

Issa Z. Dadoush, P.E.

 3/20/09**Council District(s) affected:** MAY 13 2009
All**For additional information contact:**

Felix C. Johnson, P.E.

Jacquelyn L. Nisby

Phone: 832-393-8086
832-393-8023**Date and identification of prior authorizing Council action:**
Ordinance No. 2007-721 June 20, 2007**RECOMMENDATION:** Approve First Amendment to the professional energy management services contract with Whaley Energy Consulting, LLC.; extend the renewal term; and allocate funds.**Amount and Source of Funding:****\$365,000.00** Central Service Revolving Fund (1002)**Finance Budget:****Previous Funding****\$175,000** Consumer Choice Initiative Fund (2421)**SPECIFIC EXPLANATION:** The General Services Department recommends that City Council approve the First Amendment to the Professional Energy Management Services Contract with Whaley Energy Consulting, LLC (Whaley); extend the renewal term; and approve a supplemental allocation of \$365,000.00 to provide additional services in connection with the development of a Utility Scale Solar Generation facility to be located at the decommissioned Sunnyside landfill site or other appropriate sites with close proximity to electric transmission lines.

The proposed First Amendment will extend the renewal term for up to two one-year terms and expand Whaley's services to assist the City in the development of a 10 megawatt Utility Scale Solar Generation facility. Whaley will advise the City on oversight in the development of project structure, development of the project financial model and analysis, coordination of amendment /extension of the City's existing Electricity Supply Agreement with the General Land Office, and in the negotiation and execution of the Power Purchase Agreement in support of the project.

PREVIOUS HISTORY AND PROJECT SCOPE: Under the original contract, approved by City Council on June 20, 2007, Whaley designed, implemented, and managed a residential aggregation program for residential consumers in Houston not traditionally served by Retail Electric Providers; managed and promoted the City of Houston Consumer Choice Initiative; acted as Ombudsman on behalf of electric consumers in resolving complaints/disputes with their electric supplier; and expanded the Consumer Choice Initiative to small commercial customers.**M/WBE INFORMATION:** Due to the specialized, technical nature of the contract, Affirmative Action has reviewed the process and approved a 0% M/WBE goal.

IZD:FCJ:JLN:fcj

c: Marty Stein, Jacquelyn L. Nisby, Anna Russell, File

REQUIRED AUTHORIZATION

CUIC ID # 25MSCL29

Other Authorization:**Other Authorization:**



MOTION NO. 2009

WRITTEN Motion by Council Member Holm to amend the proposed ordinance related to accounting for available funds of the City, amending and repealing various ordinances related to inactive Special Revenue Funds to release residual funds and streamline accounting for City Funds, appropriating \$7,552,000.00 from the Limited Use Roadway and Mobility Capital Fund (Fund 4034) and authorizing its transfer to the General Fund Balance, as follows:

I move to amend agenda item #29 to exclude the Limited Use Roadway and Mobility Capital Fund (Fund 4034) from transfer into the General Fund, so that those funds can be appropriated for other capital projects.

Council Member Sullivan absent

Council Member Khan out of the City on personal business

On 5/6/09 the above motion was tagged by Council Member Clutterbuck.

cr

P A M H O L M



Houston City Council Member
District G

Post Office Box 1562
Houston, Texas 77251-1562
900 Bagby, 1st Floor
832-393-3007
fax 832-393-3268
districtg@cityofhouston.net

Date: May 6, 2009

A handwritten signature in dark ink, appearing to be "PH" or similar, written over the date.

Re: Council Meeting Agenda Item 29

I move to amend agenda item #29 to exclude the Limited Use Roadway and Mobility Capital Fund (Fund 4034) from transfer into the General Fund, so that those funds can be appropriated for other capital projects.

REQUEST FOR COUNCIL ACTION

TO: Mayor via City Secretary

RCA #

SUBJECT: AN ORDINANCE AMENDING AND REPEALING VARIOUS ORDINANCES RELATED TO INACTIVE SPECIAL REVENUE FUNDS TO RELEASE RESIDUAL FUNDS; APPROPRIATING \$7,552,000 FROM THE LIMITED USE ROADWAY AND MOBILITY CAPITAL FUND (FUND 4034) AND AUTHORIZING ITS TRANSFER TO THE GENERAL FUND.

Category #

Page 1 of 2

Agenda Item#

48A 29

FROM: (Department or other point of origin):

Michelle Mitchell, Director
Finance Department

Origination Date
4/15/2009

Agenda Date
~~MAY 06 2009~~
MAY 13 2009

DIRECTOR'S SIGNATURE:

Finance Department

Council Districts affected:
All

For additional information contact:

Douglas Seckel

Phone: 713-837-9880

Date and identification of prior authorizing Council Action:

RECOMMENDATION: (Summary) (Summary) Approve an ordinance to close inactive Special Revenue Funds and transfer residual funds to the General fund, Debt Service Funds and Asset Forfeiture Fund; Appropriate \$7,552,000 from the Limited Use Roadway and Mobility Fund and transfer to the General Fund.

Amount of Funding: Various Special Revenue funds \$3,013,647.05
Limited Use Roadway and Mobility Capital Fund \$7,552,000

Finance Budget:

SOURCE OF FUNDING: ☐ General Fund ☐ Grant Fund ☐ Enterprise Fund
☒ Other (Specify) See Attached List

SPECIFIC EXPLANATION:

The Finance Department reviewed Special Revenue Funds with the goal of closing inactive funds and transferring the cash to the appropriate fund. Once identified, the Legal Department researched the inactive funds to be sure there were no restrictions on the transfers. The closing of the funds will improve accounting efficiency and put the cash in the inactive funds to better use.

The Upper Kirby Project (\$4,552,000) that was to be funded from the Limited Use Roadway and Mobility Capital Fund will now be funded from Capital Improvement Bond funds. The remaining \$3,000,000 is from unappropriated funds. This will allow \$7,552,000 to be transferred to the General Fund.

REQUIRED AUTHORIZATION

Finance Director:

Other Authorization:

Other Authorization:

CITY OF HOUSTON**Funds to be Closed and Transferred to General Fund****Date: 04/15/09**

Fund	Name	Cash Balance 15-Apr-09
1006	Tuberculosis Contributions	1,237.82
1009	Displaced Workers Asst. Fund	11,213.57
1017	Fire Special Acquisition Fund	24,403.82
1018	Parks Tree Removal Fund	1.50
1019	Planning & Development Special Project	95,718.91
1024	Sign Abatement Fund	2,070,038.83
1026	PIB 99A Refunding Judgments BD	45,706.35
1801D3	Dangerous Building 2007 General Fund Advance	102,702.35
1901	Legacy Closed Funds	(901.09)
2001	Housing Non-Grant Venture, Inc.	2,608.67
2005	Housing Replace Insurance Fund	77,890.46
2406	March of Dimes Health Education	24,395.72
2414	AAA Contingency Fund	6,084.52
2415	Rental Rehab Insurance	64,595.88
2900	Legacy Conversion Fund for Asset	2,386.37
2901	Legacy Closed Funds	(1,580.41)
Total		2,526,503.27

CITY OF HOUSTON**Funds to be Closed and Transferred to Debt Service Funds****Date: 04/15/09**

Fund	Name	Cash Balance 15-Apr-09
1010	Equipment Acquisition Series 93	6,918.83
1012	Claims & Judgments BDS Series 92C	1.04
1015	Taser Equipment Fund	1,668.18
1020	Firefighters Judgment Bond	(23,518.36)
1022	2004 Firefighters Judgment Bond	445,334.56
1801D4	Dangerous Buildings CO 2007B	53,892.15
Total		484,296.40

CITY OF HOUSTON**Funds to be Closed and Transferred to Asset Forfeiture Fund****Date: 04/15/09**

2101	Operation Gang Together	1,423.69
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Appropriation and Transfer

4034	Limited Use Roadway and Mobility Capital Fund	7,552,000.00
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SUBJECT: Lease Agreement with American National Insurance Company at 811 Dallas for the Records Management System Project Team of the Houston Police Department
WBS No. X-100010-0001-3

Page 1 of 1
Agenda Item

49 32A

FROM (Department or other point of origin):
General Services Department

Origination Date
4-30-09

Agenda Date
MAY 13 2009

DIRECTOR'S SIGNATURE: Issa Z. Dadoush, P.E.

Council District affected: 1 MAY 13 2009

For additional information contact:

Jacquelyn L. Nisby Phone: 832-393-8023

Date and identification of prior authorizing Council action:

RECOMMENDATION: Approve and authorize a Lease Agreement with American National Insurance Company for lease space at 811 Dallas for the Records Management System Project Team of the Houston Police Department and appropriate funds.

Amount and Source Of Funding:

Equipment Acquisition Consolidated Fund (1800)
\$ 1,225,867.56 Rent
\$ 158,213.04 Estimated operating expenses/parking
\$ 1,384,080.60 Total cost for Initial Base Term

Finance Budget:

Michelle Mitchell

SPECIFIC EXPLANATION: The General Services Department recommends that City Council approve and authorize a Lease Agreement with American National Insurance Company, a Texas corporation, for 14,859 square feet of office space at 811 Dallas for the Records Management System Project Team of the Houston Police Department (HPD). HPD will utilize this space to house the City and contract personnel responsible for implementation of HPD's new Automated Records Management System.

The proposed Lease Agreement provides for a three-year base term with two additional one-year renewal options at the current market rate. The base rental rates are as follows:

Month	Monthly Payment
Months 1-18	\$33,432.75 (\$27.00 psf per year/\$2.25 psf per month)
Months 19-36	\$34,671.00 (\$28.00 psf per year/\$2.33 psf per month)

The Landlord will build out the leased space to meet the requirements of HPD. Construction costs are estimated at \$382,449.00 (\$25.74 psf).

The new lease will commence on the earlier of: (i) the date the City conducts regular business in the Leased Premises, (ii) the date the Certificate of Commencement is signed by the City and the Landlord, or (iii) the Leased Premises is substantially complete as determined by the Landlord and City of Houston.

The Landlord is responsible for maintaining the building and HPD is responsible for paying its pro rata share of operating expenses and parking, which is estimated at \$158,213.00 for the three-year term.

Izd:BC:JLN:FA:ddc

xc: Marty Stein, Anna Russell, Jacquelyn L. Nisby, Henry Chavez

REQUIRED AUTHORIZATION

CUIC ID# 25 FA 19

General Services Department:

Forest R. Christy, Jr., Director
Real Estate Division

Houston Police Department:

Harold L. Hurt
Chief

Google Maps Address



TO: Mayor via City Secretary

REQUEST FOR COUNCIL ACTION

SUBJECT:

Approve an ordinance amending the Code of Ordinances, dealing with appeals before City Council.

Page

of 1

Agenda Item

#

50 40 13

FROM (Department or other point of origin):

Legal

Origination Date

April 16, 2009

Agenda Date

APR 29 2009

DIRECTOR'S SIGNATURE:

Council District affected:

All

For additional information contact:

YuShan Chang

Phone: (832) 393-6442

Date and identification of prior authorizing Council action:

RECOMMENDATION: (Summary)

Amend Section 2-2 (Rule 12 only) and various sections in the Code of Ordinances, relating to appeals before City Council from the decision of a hearing officer, director, board, or commission; require the appellant to submit the written record of the hearing to the City Secretary within sixty (60) days of the initial decision; eliminate outdated provisions allowing certain appeals by a de novo hearing which is contrary to established practice.

Amount and Source of Funding: N/A

SPECIFIC EXPLANATION:

Rule 12 of Section 2-2 of the Code of Ordinances currently requires that appeals before City Council be based on the written record, but provides no deadline for submitting the record. Without a record, the appeal cannot be set and could be delayed indefinitely. The proposed changes to Rule 12 would require that a certified copy of the written record, including all exhibits, be provided within sixty days after the action of the hearing officer, director, commission, or board. Rule 12 is also amended to clarify the council may either sustain or deny an appeal or, if the council considers the record incomplete, refer the matter back to the hearing officer or board for further proceedings to complete the record.

The proposed ordinance also amends various outdated sections in the City Code that provide for a de novo hearing before City Council. These sections are being amended to provide that appeals under such sections are to comply with Rule 12 of section 2-2 of the City Code, which provides for an appeal based on the written record. De novo hearings allow the licensee to have a new hearing before City Council with new testimony and new evidence, as if the hearing below never occurred. This is a time-consuming process for City Council and the proposed ordinance amendments conform both Rule 12 and the affected sections also amended to conform all appeals to city council to the current practice of a review on the record, as set forth in Rule 12 of section 2-2 of the City Code.

REQUIRED AUTHORIZATION

Other Authorization:

Rule 12. Appeals to City Council.

Every appeal that is authorized by federal law, state law, the city Charter, or city ordinance to be made to the city council from a decision by an officer, agency, board or commission shall be reviewed by the city council, without the taking of further evidence by city council, on the basis of the record of the decision from which the appeal is taken. Consideration of appeals may be scheduled at any specific time on the agenda, irrespective of the order of business established by these rules.

The director of each department (or a designee), or the presiding officer of a board, commission or agency, or a hearing examiner (the "hearing officer"), as appropriate, shall conduct an evidentiary hearing, the record of which shall be made by a certified court reporter of any matter that may be appealed to the city council. The term 'record' shall include, but is not limited to, a transcript of oral testimony, exhibits offered and considered, written or oral responses, answers or questions, and all documents reviewed or considered by a hearing examiner or officer, commission or agency, board, or department director or his designee at an evidentiary hearing.

Each presiding officer or hearing officer shall give written notice to any party appearing in an evidentiary hearing that:

- (1) A court reporter is required to prepare a record in order for there to be an appeal to the city council;
- (2) The party must request, in writing, the presence of a court reporter at the hearing before the hearing officer not less than 24 hours prior to such evidentiary hearing; and
- (3) The party requesting the court reporter agrees to pay all costs of the court reporter, including preparation of transcript(s) for appeal to city council.
- (4) Except as otherwise provided by the city Code, the party appealing to city council shall submit the complete court reporter-certified record to the city secretary as required by this Code within 60 days after the decision of the officer, agency, board, or commission whose decision or action is the basis of the appeal. Failure to submit the requested or required records within the required time period shall render the appeal to city council untimely and shall constitute a waiver by the appealing party of the appeal before city council.

In the event that an appeal to the city council is filed by a party to a decision, the city council shall consider the appeal solely on the basis of:

- (1) The written transcript record of the hearing conducted below; and
- (2) The written exceptions, if any, of each party to the proceeding to the facts and administrative rulings and decisions made by the officer, agency,

board or commission.

The city council shall either sustain or deny the appeal, or, in the event that the city council finds that the record is incomplete or inadequate, the city council may refer the matter to the officer, agency, board or commission for further proceedings to complete the record. All decisions of the council on the record, other than a referral for further proceedings, as described above, shall be final and not subject to further appeal or rehearing.

The provisions of this rule shall not apply to any appeal on which evidence is required to be taken by the city council pursuant to applicable provisions of state or federal law or the city Charter.

Sec. 7-25. Revocation of license.

(e) In the event that the licensee's license is revoked, such licensee may appeal the revocation to the city council pursuant to Rule 12 of Section 2-2 of this Code and by notifying the city secretary in writing within 14 days after the revocation. A hearing before the city council shall be set as soon as practicable. Failure to appeal within 14 days shall render the decision of the director of administration and regulatory affairs final.

~~(f) At the hearing conducted by the city council, all parties shall have the right to be represented by a licensed attorney and shall have the right to cross-examine opposing witnesses. After hearing the evidence presented by both sides, the city council shall, based on a preponderance of the evidence, render its decision based on the record of the hearing provided pursuant to rule 12. A copy of the decision shall be sent by the director of administration and regulatory affairs to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in no event more than 30 days. The city council action shall be final.~~

Sec. 8-57. Approval or disapproval of application.

(b) If the automotive board refuses to approve an application for a license or revokes or suspends a license under this division, the applicant or licensee therefor shall have the right of appeal to the city council; provided, however, if the license is denied, suspended or revoked due to a conviction pursuant to section 1-10 of this Code, then such applicant or licensee shall have no right of appeal to the city council. ~~Otherwise~~ In all other cases, an appeal is perfected may be set by the filing of a written request therefor pursuant to Rule 12 of Section 2-2 of the Code and by filing a written request in the office of the city secretary within ten days after the action of the automotive board disapproving the application or revoking or suspending the license. The city council city secretary shall select a date for the hearing and written notice thereof will be given to the applicant. The hearing before the council shall be de novo and the applicant or licensee shall have the

~~burden of proving that he is entitled to the license for which he applied or that his license should not have been revoked or suspended.~~ If such appeal is from the denial of a license and if such license is granted by the city council, the applicant therefor shall be entitled to the issuance thereof in the same manner as other licenses are issued hereunder.

Sec. 19-23. Revocation of permits.

(g) The denial of a permit or the revocation, suspension, or revision of a permit may be appealed to the city council pursuant to Rule 12 of Section 2-2 of this Code and upon the filing of a written application therefor with the city secretary within ten days after the board's written order is rendered; provided, however that . Although referred to as an appeal, the hearing before city council will be held in the same manner as the matter was heard by the board. ~~Such an appeal of a revocation, suspension, or revision of a permit shall not operate to suspend the board's order thereupon pending such an appeal.~~

Sec. 21-209. Appeals.

The denial of a permit or the revocation, suspension or revision of a permit may be appealed to the city council pursuant to Rule 12 of Section 2-2 of this Code and by filing a written request with the city secretary within ten days after the hearing officer's written order is rendered; provided that de novo to the city council upon the filing of a written application therefor with the city secretary within ten days after the hearing officer's written order is rendered. ~~Such an appeal of a revocation, suspension or revision of a permit shall not operate to suspend the hearing officer's order thereupon pending such an appeal.~~

Section 27-6

(f) In the event that the licensee's license is revoked, such licensee may appeal the revocation to city council pursuant to Rule 12 of Section 2-2 of this Code and by notifying the city secretary in writing within 14 days after the revocation. A hearing before the city council shall be set as soon as practicable. Failure to appeal within 14 days shall render the decision of the director of administration and regulatory affairs final.

(g) ~~At t~~ The hearing shall be conducted by city council pursuant to Rule 12 of Section 2-2 of this Code., all parties shall have the right to be represented by a licensed attorney and shall have the right to cross-examine opposing witnesses. After hearing the evidence presented by both sides, t ~~The city council shall, based on a preponderance of the evidence, render its decision based on the record of the hearing provided pursuant to rule 12. A copy of the decision shall be sent to all parties by certified mail, return receipt requested, as soon after the conclusion of the hearing as practicable but in~~

no event more than 30 days. This shall conclude the licensee's administrative remedies and city council's action shall be final.